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UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: #13
ISN #: 112

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this Detainee is properly classified as an enemy combatant and is a member of, or affiliated with, Al Qaida and the Taliban. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee traveled from his home in Saudi Arabia to Afghanistan via Syria and Iran after 11 September 2001. The Detainee received training on the use of AK-47 rifle while staying at a guesthouse in Konduz, Afghanistan. The Detainee participated in military operations against the coalition, carried a weapon on the battlefield and participated in military operations against the United States and its coalition partners while stationed on the front lines in the Khawajah Ghar region of Afghanistan. The Detainee was captured by Northern Alliance Forces near Mazar-e Sharif prior to 25 November 2001. The Detainee was present at, and wounded during the prison camp uprising at Mazur-e Sharif on 25-28 November 2001. The Detainee chose to participate in the Tribunal process. He did not request that witnesses be called, did not request documents be produced, and made an unsworn verbal statement. The Detainee, in his verbal statement, denied being an al Qaida member or participating in any military operations against the United States or its coalition partners.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a and R-1 through R-12.
- b. Testimony of the following persons: n/a
- c. Unsworn statement of the Detainee

~~UNCLASSIFIED//FOUO~~

ISN #112
Enclosure (1)
Page 1 of 3

30184
NOV00091

~~UNCLASSIFIED//FOUO~~

4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

The Detainee requested no witnesses and no additional evidence.

5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

a. The recorder offered Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without any other supporting unclassified evidence. Exhibit R-2 provided no usable evidence. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the Detainee's unsworn testimony. A summarized transcript of the Detainee's unsworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee testified that he felt the need to travel to Afghanistan to bring his brother home to Saudi Arabia. The Detainee indicated that he was a student and that he traveled to Afghanistan at his own expense and not to participate in military actions. In Konduz, Afghanistan, the Detainee stated that he stayed at a Taliban guesthouse where people could stay for free, but that he paid his own way while there with funds that he brought with him. He stated that he saw people with weapons there, but that he did not carry one. The Detainee made contact with his brother and thereafter began to make his way back to Saudi Arabia with his brother. Since there were hostilities going on, the Detainee stated that he could not return to Saudi Arabia the way he came into the country. Therefore, the Detainee and his brother then advanced toward the Northern Alliance to surrender to them. The Detainee claims that he was then taken into custody by the Northern Alliance and eventually turned over to American forces.

c. The Detainee did mention physical torture by the Afghani police, stating that if he did not respond as being from al-Qaida or the Taliban, that he would be tortured. After being transferred to Khandarhr, the Detainee alleges further torture, which he states is evident by his broken tooth. As for his treatment while a detainee at Camp DELTA in Guantanamo Bay, Cuba, although he has not been physically tortured, he feels there has been a threatening and psychological affect, by parting him from his brother (ISN [REDACTED]), which in his opinion is not less than physical torture. OARDEC Chief of Staff, Legal Advisors and CTF Liaison Officer to OARDEC have been advised.

~~UNCLASSIFIED//FOUO~~

ISN #112
Enclosure (1)
Page 2 of 3

30185

NOV00092

~~UNCLASSIFIED//FOUO~~

The Tribunal also relied on certain classified evidence in reaching its decision. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

6. Consultations with the CSRT Legal Advisor

No issues arose during the course of this hearing that required consultation with the CSRT legal advisor.

7. Conclusions of the Tribunal

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- a. The Detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The Detainee understood the Tribunal proceedings. He actively participated in the hearing.
- c. The Detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al Qaida and the Taliban.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Army
Tribunal President

~~UNCLASSIFIED//FOUO~~

ISN #112
Enclosure (1)
Page 3 of 3

30186

UNCLASSIFIED//FOUO

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: #7
 ISN #: [REDACTED]

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and was part of or supporting Al Qaida forces. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The Tribunal commenced this hearing on 2 October 2004. The Recorder presented Exhibit R-1, the Unclassified Summary of Evidence, during the unclassified portion of the Tribunal. It indicates, among other things, that the detainee admits he served as a personal driver to Usama Bin Laden (UBL) both before and after the attacks of 11 September 2001; admits he served as a member of UBL's bodyguard detachment and armed himself with a weapon; and admits was captured by Northern Alliance forces in the vicinity of Kandahar in possession of a weapon. The Recorder presented several other unclassified exhibits, including the detainee's Petition for Writ of [REDACTED] filed in the U.S. District Court for the Western District of Washington. The Recorder called no witnesses.

The detainee participated actively in the Tribunal process. His Personal Representative submitted documents on his behalf, including a signed, sworn affidavit dated 9 February 2004 (Exhibit D-b). In the sworn affidavit, the Detainee admits he worked for Usama Bin Laden as a driver, the latest period being from February 2001 until after the Northern Alliance began its October 2001 offensive with American support. He was subsequently captured by the Northern Alliance and turned over to U.S. forces. The detainee also answered several questions posed by the Tribunal President, in response to which he indicated he was forced to drive for Usama Bin Laden and the allegations against him are all lies. The detainee's unsworn answers to the questions posed by the Tribunal President are summarized in Enclosure (3) to the CSRT Decision Report. The Personal Representative also offered additional documents into evidence. A summary of the Detainee's witness and document requests, and the Tribunal President's answers thereto, are presented in paragraph 4, below. After the conclusion of the unclassified session, the Tribunal recessed until the following day.

UNCLASSIFIED//FOUO

ISN [REDACTED]
 Enclosure (1)
 Page 1 of 6

UNCLASSIFIED//FOUO

The Tribunal commenced the classified session on 3 October 2004. During the classified session of the Tribunal, the Recorder presented Exhibits R-3 through R-11. The Recorder did not comment on the evidence. The Personal Representative presented no classified evidence and made no comments. The Tribunal considered both the unclassified and classified exhibits, as well as the detainee's unsworn responses to the Tribunal President's questions, in reaching its decision.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a, D-b, D-b2, X, and R-1 through R-13.
- b. Testimony of the following persons: None.
- c. Statement of the detainee:

See Enclosure (3) to the CSRT Decision Report and Exhibit D-b.

4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

- a. Witness request. (Copies of all e-mails referenced in this section are included as Enclosure (5) to the CSRT Decision Report.)

(1) On 25 September 2004, the Personal Representative confirmed with the detainee's attorney for the U.S. Military Commissions, [REDACTED] JAGC, USN, that the detainee desired [REDACTED] to testify as a witness at the detainee's Tribunal hearing. In support of the request, on 28 September 2004, [REDACTED] indicated he had conducted an extensive investigation into the detainee's activities in Afghanistan before and at the time of his capture.

(2) On 30 September 2004, the Tribunal President granted the detainee's request for [REDACTED] to testify as a witness on behalf of the detainee, finding his testimony relevant and [REDACTED] reasonably available. The Tribunal President indicated that the Tribunal would be conducted at 1700 on Saturday, 2 October 2004. The Tribunal was scheduled for 1700 to permit [REDACTED] to arrive on the next regularly scheduled military flight to Naval Base Guantanamo Bay, Cuba. The Personal Representative sent an e-mail to [REDACTED] at 1745 on 30 September 2004 notifying [REDACTED] of the President's decision, and also spoke to him late in the day by telephone.

(3) [REDACTED] responded to the Personal Representative by e-mail at 1808 on 30 September 2004 indicating he could attend, but would need assistance with the country clearance and flight arrangements. He sent a follow-on e-mail to the Personal

UNCLASSIFIED//FOUO

ISN [REDACTED]
Enclosure (1)
Page 2 of 6

UNCLASSIFIED//FOUO

Representative at 0841 on 1 October 2004, indicating there could be problems arranging for his translator to accompany him on such short notice and for an entire week, and he needed help with the country clearance. [REDACTED] sent a third e-mail to the Personal Representative at 1148 on 1 October 2004 indicating that both he and his translator were available for the flight, but that they had to have OARDEC assistance in gaining the country clearance. Without it, they would not be permitted to board the regularly scheduled flight to Naval Base Guantanamo Bay, Cuba. He further indicated that he was previously scheduled to be in Guantanamo Bay on 9 October 2004, and he asked for a delay until that time to permit him to testify at the hearing. He also indicated that he was willing to submit a written statement with his testimony, but he needed to consult with his client concerning waiving the attorney-client privilege before doing so.

(4) Because of the Personal Representative's work schedule, he did not check his unclassified e-mail until the afternoon of 1 October 2004. By that time, it was too late to attempt to arrange country clearance for [REDACTED] and his attorney. Given the need to complete all detainee Tribunals for whom habeas petitions are pending in Federal District Court, Director, CSRT instructed the Tribunal to hold the hearing on 2 October 2004 as scheduled, rather than delay the proceeding until 9 December 2004 as requested by [REDACTED]. [REDACTED] did submit written material for the Tribunal to consider. This material is discussed in the paragraphs that follow.

b. Evidence.

(1) The Detainee requested a document stating who the Northern Alliance and coalition partners are. The Tribunal's response to the detainee's request is attached as Enclosure (7) to the CSRT Decision Report.

(2) On the morning of the Tribunal hearing (2 October 2004), [REDACTED] sent the Personal Representative an e-mail with a letter to the detainee in Arabic only (to be sealed and delivered to the detainee via the SJA prior to the hearing) and a sworn affidavit from the detainee in Arabic, together with an English translation, which had been filed in Federal Court in support of his Petition for Writ of [REDACTED]. Because [REDACTED] instructions were not in accord with the Personal Representative's standing practice of showing everything he received to the detainee, he retained all of the material he received from [REDACTED] to present to the detainee. The Personal Representative did not have the letter from [REDACTED] to the detainee translated into English.

(a) Prior to the Tribunal hearing on Saturday, 2 October 2004, the Personal Representative met with the detainee to discuss the documents he received from [REDACTED]. Based on that discussion, it was the Personal Representative's understanding that the detainee wanted all of the documents he received from [REDACTED] presented to the Tribunal. The detainee also wanted an unsigned document presented that he had given to the Personal Representative during one of their earlier meetings.

UNCLASSIFIED//FOUO

ISN [REDACTED]
Enclosure (1)
Page 3 of 6

UNCLASSIFIED//FOUO

(b) Just before the Tribunal was to begin, the Personal Representative met with the Recorder and the Tribunal President to inform them of the documents to be submitted. They were: [REDACTED] letter to the detainee, which was in Arabic only; the signed affidavit in both English and Arabic; a memo from [REDACTED] to the [REDACTED] and the unsigned copy of the affidavit in Arabic only. Because two of the documents the Personal Representative intended to submit were in Arabic only, the Tribunal President indicated they would have to be translated before the hearing could commence. The Arabic translator for the Tribunal then reviewed the documents. He indicated that the signed Arabic affidavit and the unsigned Arabic affidavit were in different fonts but were otherwise the same. He also looked at the letter from [REDACTED] to the detainee and indicated it was just that, but did not relay the contents of the letter. The Tribunal President was also unaware of the instructions [REDACTED] had given indicating that his letter should be sealed and presented to the detainee through the SJA. Accordingly, the Tribunal President determined that because the letter was short, the Translator could read the letter into the record sentence by sentence, first in Arabic and then in English. The Tribunal President then instructed the Personal Representative to take all of the documents back to the detainee to ensure that he wanted them presented as evidence to the Tribunal. The Personal Representative did that, and after talking to the detainee, informed the Tribunal President that the detainee wanted all of the documents presented.

(c) At the appropriate time in the proceedings, the Personal Representative entered the documents into evidence. When it came time to enter [REDACTED] letter to the detainee, the translator read it into the record sentence by sentence as had been previously discussed. Because the Tribunal did not know the contents of the letter until it was read into the record, the Tribunal members assumed there was something in the letter the detainee wanted the Tribunal to know. However, after the Translator finished reading the letter, there appeared to be no such revelation. Accordingly, the Tribunal President asked the detainee to confirm that he wanted [REDACTED] letter read. The detainee indicated he did not. He stated he was confused and thought that he had to submit everything he had into evidence. (The Personal Representative later explained that the reason for the confusion was that the detainee had asked the Personal Representative to take the documents back to his spaces for privacy. The Personal Representative told him that was not permitted, and that the Personal Representative had to keep all of the documents. The detainee apparently construed that to mean that the Personal Representative had to be allowed to submit all of the documents to the Tribunal for consideration, and that the detainee had no choice in the matter.)

(d) Because it was clear the detainee did not understand this aspect of the process, the Tribunal President informed the detainee that he would be given all of his exhibits back and that he could review them again and only offer into evidence what he desired the Tribunal to consider. The Tribunal President also informed the detainee that the Tribunal would not consider anything the detainee chose not to re-submit. The

UNCLASSIFIED//FOUO

 ISN [REDACTED]
 Enclosure (1)
 Page 4 of 6

UNCLASSIFIED//FOUO

Tribunal then recessed to permit the detainee to review the documents with his Personal Representative.

(e) When the Tribunal reconvened, the detainee submitted the following documents, marked as indicated: Exhibit D-b – signed affidavit with English Translation; Exhibit D-b2 – unsigned copy of affidavit in different font; and Exhibit X – a memo from [REDACTED] to the General Counsel of the Department of the Navy. The detainee did not re-submit the letter to him from [REDACTED] and, accordingly, the Tribunal did not consider it.

5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

a. The recorder offered Exhibits R-1 and R-2, and R-12 and R-13 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 provides no usable evidence. Accordingly, the Tribunal had to look to other exhibits for support of the Unclassified Summary of Evidence.

b. As noted in paragraph 2, above, the detainee submitted through his Personal Representative a signed, sworn affidavit dated 9 February 2004 (Exhibit D-b). In the sworn affidavit, the detainee admits he worked for Usama Bin Laden as a driver, the latest period being from February 2001 until after the Northern Alliance began its October 2001 offensive with American support. He was subsequently captured by the Northern Alliance and turned over to U.S. forces. These admissions are consistent with the assertions made in the Petition for Writ of [REDACTED] filed by [REDACTED] in the U.S. District Court for the Western District of Washington on or about 6 April 2004 (Exhibit R-12, Arabic translation of relevant portions – Exhibit R-13). The Tribunal found the admissions by the detainee in his affidavit sufficient to confirm his status as an enemy combatant because he was part of or supporting Al Qaida. When considered in conjunction with the classified evidence, the evidence supporting the detainee's classification as an enemy combatant is overwhelming.

c. The Tribunal found the detainee's denials regarding his participation in, or his support for, Al Qaida unpersuasive. (See Exhibits D-b, R-12 and Enclosure (3) to the CSRT Decision Report.) The Tribunal also found that Exhibit X provided no persuasive information.

As noted above, the Tribunal also relied on certain classified evidence in reaching its decision. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

UNCLASSIFIED//FOUO

ISN [REDACTED]
Enclosure (1)
Page 5 of 6

UNCLASSIFIED//FOUO**6. Consultations with the CSRT Legal Advisor**

The witness and document requests made by the detainee, as discussed above in paragraph 4, were discussed with the CSRT Assistant Legal Advisor. In addition, the Tribunal discussed with the CSRT Assistant Legal Advisor the proper way to reflect the reading of [REDACTED] letter to the detainee in the transcript of the detainee's testimony. The letter was returned to the detainee and not considered by the Tribunal (as noted in paragraph 2, above). Finally, the Tribunal consulted the CSRT Assistant Legal Advisor regarding allegations of abuse made by the detainee in his sworn affidavit (Exhibit D-b). As per instructions, the OARDEC Forward Chief of Staff and the OARDEC Liaison to the Criminal Investigation Task Force and JTF-GTMO were notified of the allegations on 6 October 2004.

7. Conclusions of the Tribunal

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The detainee understood the Tribunal proceedings. Although he became confused during the presentation of exhibits, the proper procedures were explained to him and the Tribunal took appropriate corrective action.
- c. The detainee is properly classified as an enemy combatant and was part of or supporting Al Qaida forces.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

[REDACTED]
Colonel, U.S. Army
Tribunal President

UNCLASSIFIED//FOUO

ISN [REDACTED]
Enclosure (1)
Page 6 of 6

30238

NOV00099

Page 45
UNCLASSIFIED//FOUO

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: #7
ISN #: [REDACTED]

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and was part of or supporting Taliban or Al Qaida forces. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The Tribunal hearing was held on 7 October 2004. The Recorder presented Exhibits R-1 and R-2 during the unclassified portion of the Tribunal. Exhibit R-1 is the Unclassified Summary of Evidence. It indicates, among other things, that the detainee voluntarily joined the Taliban; that the detainee received training on various weapons; that the detainee was assigned an AK-47 and a 7.62mm PK; that the detainee agreed to fight with the Taliban; that the detainee received money from Usama Bin Laden; that the detainee's name was recovered on a list of probable Al Qaida operatives; that the detainee fought against coalition forces for approximately nine months, firing his weapon at coalition forces; that the detainee manned an anti-aircraft gun during combat; and that the detainee was present at Tora Bora during the U.S. air campaign. Exhibit R-2 is the FBI request for redaction of National Security Information dated 22 September 2004. The Recorder called no witnesses.

The detainee participated actively in the Tribunal process and made an unsworn verbal statement for the Tribunal's consideration. In sum, the detainee denied all of the allegations against him and asserted that he has never been to Afghanistan. Furthermore, the detainee states that any prior statements he has made admitting to the allegations were the result of torture or threats that he would never leave Cuba. The detainee's testimony, including his responses to the questions posed to him, is summarized in Enclosure (3) to the CSRT Decision Report. The detainee called no witnesses.

During the classified session of the Tribunal, the Recorder presented Exhibits R-3 through R-17. The Recorder offered no comments on the classified evidence. The Personal Representative had nothing additional to offer and made no comments. The

UNCLASSIFIED//FOUO

ISN [REDACTED]
Enclosure (1)
Page 1 of 3

UNCLASSIFIED//FOUO

Tribunal considered both the unclassified and classified exhibits, as well as the detainee's unsworn testimony in reaching its decision.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-A and R-1 through R-17.
- b. Testimony of the following persons: None.
- c. Unsworn statement of the detainee:

See Enclosure (3) to the CSRT Decision Report.

4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

The Detainee requested no witnesses.

The Detainee requested no additional evidence be produced.

5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

a. The Recorder offered Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 provided no usable evidence. Accordingly, the Tribunal had to look to other exhibits for support of the Unclassified Summary of Evidence.

b. The detainee made an unsworn statement at the Tribunal. Afterwards, he answered questions posed by the Tribunal members. In sum, the detainee testified that all the allegations against him were false. He stated that many of his statements to interrogators that he has made in the past were not true and were the result of torture. He further stated that interrogators told him unless he admitted to the allegations against him he would never leave Cuba. The detainee's unsworn testimony is summarized in Enclosure (3) to the CSRT Decision Report. When considered in conjunction with the classified evidence, the Tribunal found the detainee's testimony unpersuasive.

As noted above, the Tribunal also relied on classified evidence in reaching its decision, and found the classified evidence persuasive in establishing that the detainee is properly

UNCLASSIFIED//FOUO

ISN [REDACTED]
Enclosure (1)
Page 2 of 3

Page 40

UNCLASSIFIED//FOUO

classified as an enemy combatant. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

6. Consultations with the CSRT Legal Advisor

The Tribunal consulted the CSRT Assistant Legal Advisor regarding allegations of torture raised by the detainee during his unsworn testimony. As per instructions, the OARDEC Forward Chief Of Staff, and the OARDEC Liaison to the Criminal Investigation Task Force and JTF-GTMO were notified of the matters on 7 October 2004.

7. Conclusions of the Tribunal

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The detainee understood the Tribunal proceedings and actively participated throughout.
- c. The detainee is properly classified as an enemy combatant and was part of or supporting Taliban or Al Qaida forces.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,


Colonel, U.S. Army
Tribunal President

UNCLASSIFIED//FOUO

ISN 
Enclosure (1)
Page 3 of 3

30404

NOV00102

UNCLASSIFIED//FOUO

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: 5
ISN #: [REDACTED]

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al Qaida. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal by the Recorder indicated that the detainee was recruited in [REDACTED] and traveled to Afghanistan to participate in Jihad. He received weapons training at the al-Farouq training camp, and then participated in military operations against the coalition. Northern Alliance forces in the Tora Bora region later captured him. The detainee chose to participate in the Tribunal process. He called no witnesses and requested no documents be produced. During the hearing he made an oral statement under affirmation. In his oral statement the detainee denied the veracity of the evidence submitted, disputed all the evidence presented in the government's Unclassified Summary and claimed not to be a member of al Qaida.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a, R-1 through R-14
- b. Oral statement of the detainee under affirmation.

4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

The Detainee requested no witnesses; no rulings were necessary.

The Detainee requested no additional evidence be produced; no rulings were necessary.

UNCLASSIFIED//FOUO

ISN [REDACTED]
Enclosure (1)
Page 1 of 3

30460

NOV00103

UNCLASSIFIED//FOUO**5. Discussion of Unclassified Evidence**

The Tribunal found the following unclassified evidence persuasive in making its determinations: The Tribunal was presented with a minimal amount of unclassified evidence. Therefore, it relied heavily on the classified exhibits (R-3 through R-14) in making its decision. However, during his oral statement, the detainee admitted that he traveled from [REDACTED] to Afghanistan, and was later captured by Afghanis. He admitted making statements to interrogators regarding his training in the Al-Farouq camp, but now claims that he only made these statements because his captors in Afghanistan were beating him.

The Tribunal found the following unclassified evidence unpersuasive in making its determinations: Overall, the Tribunal found the Detainee's oral statement to be unhelpful in that it appeared to be completely self-serving, evasive, and contrived.

The Tribunal also relied on certain classified evidence in reaching its decision. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

6. Consultations with the CSRT Legal Advisor

No issues arose during the course of this hearing that required consultation with the CSRT legal advisor.

7. Conclusions of the Tribunal

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The detainee understood the Tribunal proceedings. He indicated his understanding when asked, actively participated in the hearing, and asked relevant questions at appropriated times.
- c. The detainee is properly classified as an enemy combatant because he is a member of, or affiliated with al Qaida.

UNCLASSIFIED//FOUO

ISN [REDACTED]
Enclosure (1)
Page 2 of 3

UNCLASSIFIED//FOUO

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Tribunal President

UNCLASSIFIED//FOUO

ISN [REDACTED]
Enclosure (1)
Page 3 of 3

30462

NOV00105

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: #20
ISN #: 307

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and was part of or supporting al Qaida and associated forces that are engaged in hostilities against the United States or its coalition partners. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The Tribunal commenced this hearing on 20 November 2004. The Recorder presented Exhibit R-1 during the unclassified portion of the Tribunal. That exhibit, the Unclassified Summary of Evidence, indicates, among other things, that: the detainee is associated with al Qaida or Taliban forces; the detainee, a Syrian national, traveled to Afghanistan in 1999 via Syria, Turkey and Iran, finally arriving in Kabul, Afghanistan; the detainee sent for his family in July 2001 and they arrived in Kabul Afghanistan via a Taliban airline plane; the detainee was on a list of captured Mujahidin members; the detainee allowed Arab fighters to stay in his house; the detainee was identified by a senior al Qaida operative as reportedly being part of a terrorist group; the detainee and his family departed Jalalabad heading towards the Pakistan border as the situation escalated; the detainee and others were turned over to the Pakistani police and were arrested; the detainee was in possession of 100 Saudi riyals and approximately 3,000-5,000 Pakistani rupees; the detainee escaped from custody when some prisoners overpowered the guards and flipped a transport vehicle; the detainee and others were recaptured by the Pakistani police; the detainee was in possession of a Casio watch – a model which has been used in bombings linked to al Qaida and radical Islamic terrorist improvised explosive devices; and the detainee has been identified as being affiliated with al Qaida or other Islamic extremist groups. The Recorder called no witnesses.

The detainee participated actively in the Tribunal proceedings. He submitted a written statement, Exhibit D-b, and then answered Tribunal members' questions. The detainee's sworn testimony and the answers to the questions posed to him are summarized in Enclosure (3) to the CSRT Decision Report. The detainee called one witness.

UNCLASSIFIED//~~FOUO~~

ISN #307
Enclosure (1)
Page 1 of 3

30637

NOV00106

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During the classified session of the Tribunal, the Recorder presented Exhibits R-2 through R-25, commenting only that highlights on the documents in pink were made by the Recorder, those in yellow by the Personal Representative. The Personal Representative neither presented classified exhibits nor made any comments on the classified evidence.

After reading the classified and unclassified exhibits, the Tribunal determined that it required more information. The Tribunal posed a number of questions to the Recorder, and then recessed the Tribunal to allow the Recorder an opportunity to do further research. On 3 December 2004, the Tribunal reconvened. During that session, the Recorder submitted classified Exhibits R-26 through R-29. After considering all of the classified and unclassified evidence, the Tribunal determined that the detainee is properly classified as an enemy combatant.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

a. Exhibits: R-1 through R-29, and D-a and D-b.

b. Testimony of the following person:

ISN # [REDACTED] (See Enclosure (3) to the CSRT Decision Report).

c. Sworn statement of the detainee:

See Enclosure (3) to the CSRT Decision Report.

4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

The detainee's one witness request, for his son, [REDACTED] was approved.

The detainee requested no additional evidence be produced.

5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

a. The Recorder offered Exhibit R-1 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Accordingly, the Tribunal had to look to other evidence to support the assertions in the Unclassified Summary of Evidence.

UNCLASSIFIED//~~FOUO~~

ISN #307
Enclosure (1)
Page 2 of 3

30638

NOV00107

UNCLASSIFIED//~~FOUO~~

b. As noted in paragraph 2, above, the detainee submitted a written statement and provided sworn testimony, responding to each of the allegations on the Unclassified Summary of Evidence. Afterwards, he answered questions posed by the Tribunal members. In sum, the detainee denied being a member of the Taliban or al Qaida. He asserted instead that he was a businessman in Kabul, drawn to Afghanistan from Syria by Kabul's superior business environment. A summarized transcript of the detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3). His written statement is attached as Exhibit D-b.

6. Consultations with the CSRT Legal Advisor

The Tribunal consulted the CSRT Assistant Legal Advisor regarding allegations made by the detainee in his written statement and in his testimony that he was tortured by Pakistani officials in the presence of U.S. officials and in a U.S. facility, and that he was abused by U.S. soldiers. His son, detainee # [REDACTED] also testified that he was abused. As per instructions, the OARDEC Forward Chief of Staff and the OARDEC Liaison to the Criminal Investigation Task Force and JTF-GTMO were notified of the matters on 22 November 2004.

7. Conclusions of the Tribunal

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The detainee understood the Tribunal proceedings and actively participated throughout the hearing.
- c. The detainee is properly classified as an enemy combatant because he was part of or supporting al Qaida and associated forces that are engaged in hostilities against the United States or its coalition partners.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

[REDACTED]

Colonel, U.S. Army
Tribunal President

UNCLASSIFIED//~~FOUO~~

ISN #307
Enclosure (1)
Page 3 of 3

30639

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: #20
ISN #: 312

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and was part of or supporting al Qaida forces and associated forces that are engaged in hostilities against the United States or its coalition partners. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The Tribunal conducted this hearing on 9 December 2004. The Recorder presented Exhibit R-1 and R-2 during the unclassified portion of the Tribunal. The principal exhibit, the Unclassified Summary of Evidence (Exhibit R-1), indicates, among other things, that: the detainee is associated with the Taliban or al Qaida; the detainee traveled from Syria to Afghanistan in 2001; the detainee's father is a veteran Mujahidin fighter; the detainee trained at [REDACTED] training camp in 2001; the [REDACTED] training camp was a basic training facility for Jihadists against the coalition; while at [REDACTED] the detainee trained on the Kalashnikov rifle, pistols, light weapons, grenades, and the Bika weapons system; the detainee admitted to traveling through the Tora Bora Mountains in Afghanistan; the detainee was in Kabul, Afghanistan when it was defeated; and, after the fall of Kabul, the detainee fled to Jalalabad and subsequently to Pakistan, where he was arrested. The Recorder called no witnesses.

The detainee participated actively in the Tribunal proceedings. He submitted a written statement, Exhibit D-b, and then answered Tribunal members' questions. The detainee's sworn testimony and the answers to the questions posed to him are summarized in Enclosure (3) to the CSRT Decision Report. The detainee called one witness.

During the classified session of the Tribunal, the Recorder presented Exhibits R-3 through R-24, commenting that Exhibits R-3 through R-8 supported the Unclassified Summary of Evidence and Exhibits R-9 through R-25 provided amplifying information. The Personal Representative presented Exhibits D-c and D-d, providing brief comments.

After considering all of the classified and unclassified evidence, the Tribunal determined that the detainee is properly classified as an enemy combatant.

UNCLASSIFIED//~~FOUO~~

ISN #312
Enclosure (1)
Page 1 of 3

30652

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3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: R-1 through R-24, and D-a through D-d.
- b. Testimony of the following person:

ISN [REDACTED] (See Enclosure (3) to the CSRT Decision Report).

- c. Sworn statement of the detainee:

See Enclosure (3) to the CSRT Decision Report.

4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

The detainee's one witness request, for his father, [REDACTED] was approved. See Enclosure (5) to the CSRT Decision Report.

The detainee requested no additional evidence be produced.

5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

a. The Recorder offered Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2, the FBI redaction certificate, provided no useful information. Accordingly, the Tribunal had to look to other evidence to support the assertions in the Unclassified Summary of Evidence.

b. As noted in paragraph 2, above, the detainee submitted a written statement and provided sworn testimony, responding to each of the allegations on the Unclassified Summary of Evidence. Afterwards, he answered questions posed by the Tribunal members. In sum, the detainee denied being a member of the Taliban or al Qaida. He asserted that his father drew him to Afghanistan from Syria. He further stated that he had no knowledge of his father's activities while he was in Afghanistan and desired to return to Syria to complete his studies. A summarized transcript of the detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3).

UNCLASSIFIED//~~FOUO~~

ISN #312
Enclosure (1)
Page 2 of 3

30653

NOV00110

6. Consultations with the CSRT Legal Advisor

The Tribunal consulted the CSRT Assistant Legal Advisor regarding allegations made by the detainee in his written statement and in his testimony that Pakistani officials in the presence of U.S. officials tortured him, and in a U.S. facility. He also claims that U.S. soldiers abused him. As per instructions, the OARDEC Forward Chief of Staff and the OARDEC Liaison to the Criminal Investigation Task Force and JTF-GTMO were notified of the matters on 11 December 2004. These allegations, on behalf of both detainee and his father, have previously been reported on 22 November 2004, following the father's Tribunal.

7. Conclusions of the Tribunal

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The detainee understood the Tribunal proceedings and actively participated throughout the hearing.
- c. The detainee is properly classified as an enemy combatant because he was part of or supporting al Qaida forces and associated forces that are engaged in hostilities against the United States or its coalition partners.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Army
Tribunal President

UNCLASSIFIED//~~FOUO~~

ISN #312
Enclosure (1)
Page 3 of 3

30654

NOV00111

Page 700
UNCLASSIFIED//FOUO

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: #12
ISN #: [REDACTED]

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this Detainee is properly classified as an enemy combatant and is part of, or supporting, Al Qaida, or other forces engaged in hostilities against the United States or its coalition partners. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee was associated with forces engaged in hostilities with the United States or its coalition partners. The Detainee traveled to Afghanistan in August 2001 and received weapons training at the Al-Farouq training camp. The Detainee attempted to gain more training at another camp near Jalalabad, Afghanistan and then eventually was captured near the Pakistan border. The Detainee chose to participate in the Tribunal process. He called no witnesses and requested no documents be produced. The Detainee made a sworn verbal statement. The Detainee, in his verbal statement, denied that he was associated with forces engaged in hostilities with the United States or its coalition partners and was forced to tell this story that he had been so associated. He admitted traveling to Afghanistan with a friend but it was during school break. The Detainee denied receiving weapons training and stated that he and his friend only observed another individual disassemble and reassemble a Kalashnikov rifle. The Detainee stated that after his capture Afghan and American soldiers tortured him.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a and R-1 through R-13.
- b. Testimony of the following persons: Sworn statement of the Detainee.

UNCLASSIFIED//FOUO

ISN [REDACTED]
Enclosure (1)
Page 1 of 3

30695

NOV00112

Page 22

UNCLASSIFIED//FOUO

4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

The Detainee requested no witnesses and requested no additional evidence be produced; therefore, no rulings on these matters were required.

5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

a. The Recorder offered Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 provided no usable evidence. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the Detainee's sworn testimony. A summarized transcript of the Detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee testified that he was not associated with forces engaged in hostilities with the United States or its coalition partners. He claimed that he is not associated with al Qaida, and if he were an enemy combatant, he would not have bought a round trip airline ticket to return home because he would have continued to fight. The only reason for his original statements is because when he was captured, interrogators in Kandahar, Kabul and Bagram, Afghanistan tortured him. The Detainee stated that he did not carry any weapons and did not participate in any fighting against the coalition. Because of the torture he received when he was originally captured, he claimed he had to admit to things that he did not do to stop the torture.

The Tribunal also relied on certain classified evidence in reaching its decision. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

6. Consultations with the CSRT Legal Advisor

No issues arose during the course of this hearing that required consultation with the CSRT legal advisor.

7. Conclusions of the Tribunal

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

UNCLASSIFIED//FOUO

ISN [REDACTED]
Enclosure (1)
Page 2 of 3

UNCLASSIFIED//FOUO

a. The Detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was requested or deemed necessary.

b. The Detainee understood the Tribunal proceedings. He asked no questions regarding his rights and actively participated in the hearing.

c. The Detainee is properly classified as an enemy combatant and is part of, or supporting, Al-Qaida, or other forces engaged in hostilities against the United States or its coalition partners.

d. The Detainee stated that after he was captured, interrogators in Kandahar, Kabul and Bagram, Afghanistan tortured him. Because of the torture he claimed he received when he was originally captured, he claimed he had to admit to things that he did not do. The Detainee's allegations were not limited to occurrences within Afghanistan. The CITF liaison to OARDEC, OARDEC Chief of Staff, and the OARDEC legal advisor have been notified of the allegation outlined above, as documented in Exhibit R-3.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Marine Corps
Tribunal President

UNCLASSIFIED//FOUO

ISN 
Enclosure (1)
Page 3 of 3

30697

NOV00114

Page 171
UNCLASSIFIED//FOUO

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: #7
ISN #: [REDACTED]

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and was part of or supporting Taliban and Al Qaida forces. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The Tribunal held this hearing on 2 November 2004. The Recorder presented Exhibits R-1 through R-3 during the unclassified portion of the Tribunal. The primary exhibit, the Unclassified Summary of Evidence (Exhibit R-1), indicates that: the detainee supported the Taliban and associated with Al Qaida; the detainee arrived in Afghanistan from [REDACTED] via Pakistan; the detainee traveled to Afghanistan for military training to prepare to fight; the detainee stayed at an Arab guesthouse in Kandahar; the detainee provided general information about an Al Wafa office in Kabul; Al Wafa has been designated as a terrorist organization; the detainee trained at Al Farouq; the detainee received weapons training for the Kalashnikov rifle, the PK rifle, and rocket-propelled grenade launcher; the detainee received mortar training while serving in the back lines; the detainee participated in military operations against the coalition; the detainee fought for the Taliban; the detainee fought at the front line against the Northern Alliance; the detainee was in Tora Bora during the U.S. air campaign; the detainee was injured by a bomb blast in Tora Bora; and the detainee was captured by Northern Alliance forces during his retreat from Tora Bora. The Recorder called no witnesses.

The detainee actively participated in the Tribunal proceedings. In an unsworn statement, the detainee responded to some of the allegations on the Unclassified Summary of Evidence. In sum, he stated he went to Pakistan to find a wife and for a change of environment. He also stated he went to Afghanistan before the war with the United States started. The detainee's unsworn testimony and the answers to the questions posed to him are summarized in Enclosure (3) to the CSRT Decision Report. The detainee presented no other evidence and called no witnesses.

UNCLASSIFIED//FOUO

ISN [REDACTED]
Enclosure (1)
Page 1 of 3

UNCLASSIFIED//FOUO

During the classified session of the Tribunal, the Recorder presented Exhibits R-4 through R-15 and commented on the evidence. The Personal Representative presented no classified evidence and made no comments on the classified exhibits. After considering all of the classified and unclassified evidence, the Tribunal determined that the detainee is properly classified as an enemy combatant.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: R-1 through R-15 and D-a.
- b. Testimony of the following persons: None.
- c. Statement of the detainee:

See Enclosure (3) to the CSRT Decision Report.

4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

The detainee requested no witnesses.

The detainee requested no additional evidence be produced.

5. Discussion of Unclassified Evidence

a. The Recorder offered Exhibits R-1 through R-3 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2, the FBI redaction certification, provided no usable evidence. Exhibit R-3, the U.S. Department of Homeland Security *Terrorist Organization Reference Guide* dated January 2004, also provided no information pertinent to the detainee's status. Accordingly, the Tribunal had to look to other evidence to support the assertions on the Unclassified Summary of Evidence and the Tribunal's conclusions.

b. As noted in paragraph 2, above, the detainee made an unsworn statement at the hearing, addressing several, but not all, of the allegations on the Unclassified Summary of Evidence. Afterwards, he answered a few questions posed by one of the Tribunal Members, but refused to answer any further questions. In sum, the detainee claimed that he traveled to Pakistan to get married and to have a change of environment. He denied any affiliation with Al Wafa, and also denied receiving mortar training. He also denied ever being in the Tora Bora region. When asked if he did not respond to allegations 3.a.3, 3.a.5, 3.a.6, and 3.a.7 on the Unclassified Summary of Evidence because those

UNCLASSIFIED//FOUO

ISN [REDACTED]
Enclosure (1)
Page 2 of 3

UNCLASSIFIED//FOUO

allegations were true, the detainee stated he would rather keep silent. A summarized transcript of the detainee's unsworn testimony is attached as Enclosure (3) to the CSRT Decision Report. The Tribunal found the detainee's testimony unpersuasive when considered together with the classified evidence. A discussion of the classified evidence is found in the CSRT Decision Report Enclosure (2).

6. Consultations with the CSRT Legal Advisor

The Tribunal consulted the CSRT Assistant Legal Advisor regarding allegations that an interrogator in the Khandahar prison hit the detainee in the arm until he falsely admitted receiving training on mortars (see Enclosure (3) to the CSRT Decision Report). As per instructions, the OARDEC Forward Chief of Staff and the OARDEC Liaison to the Criminal Investigation Task Force and JTF-GTMO were notified of the matters on 2 November 2004.

7. Conclusions of the Tribunal

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The detainee understood the Tribunal proceedings and actively participated throughout the hearing.
- c. The detainee is properly classified as an enemy combatant because he was part of or supporting Taliban and Al Qaida forces.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,


Colonel, U.S. Army
Tribunal President

UNCLASSIFIED//FOUO

ISN 
Enclosure (1)
Page 3 of 3

UNCLASSIFIED//FOUO

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: #7
ISN #: [REDACTED]**1. Introduction**

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and was part of or supporting Taliban or Al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The Tribunal held this hearing on 9 October 2004. The Recorder presented Exhibits R-1 and R-2 during the unclassified portion of the Tribunal. The primary exhibit, the Unclassified Summary of Evidence (Exhibit R-1), indicates, among other things, that the detainee traveled from [REDACTED] to Afghanistan in September 2001; that the detainee stayed at a Taliban house while in route to Afghanistan; that the detainee went to Afghanistan with the specific purpose of training at an Al Qaida training camp; that the detainee was identified as possibly having stayed in a Taliban guesthouse; and, that the detainee's name was found on a file seized at an Al Qaida guesthouse. The Recorder called no witnesses.

The detainee did not attend the Tribunal and affirmatively declined to participate in the Tribunal process. He told his Personal Representative that the allegations are all false. The detainee's decision is reflected on the Detainee Election Form (Exhibit D-a). The Personal Representative made a verbal statement on behalf of the detainee, but presented no evidence and called no witnesses on behalf of the detainee.

During the first classified session of the Tribunal, the Recorder presented Exhibits R-3 through R-10. The Personal Representative presented no classified evidence. The Recorder and the Personal Representative had no comments on the classified evidence.

After the Tribunal read all of the classified exhibits, the Tribunal requested additional information. In response to the Tribunal's request, and after giving the Personal Representative an opportunity to review the documents, the Recorder offered into evidence Exhibits R-11 through R-13. Neither the Recorder nor the Personal

UNCLASSIFIED//FOUO

ISN [REDACTED]
Enclosure (1)
Page 1 of 3

UNCLASSIFIED//FOUO

Representative had any comments on the additional documents. After considering the unclassified and the classified evidence, the Tribunal determined that the detainee is properly classified as an enemy combatant.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: R-1 through R-13 and D-a.
- b. Testimony of the following persons: None.
- c. Statement of the detainee:

The Tribunal considered the statement by the detainee made through the Personal Representative as summarized in Enclosure (3) to the CSRT Decision Report.

4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

The detainee requested no witnesses.

The detainee requested no additional evidence be produced.

5. Discussion of Unclassified Evidence

The recorder offered Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2, the FBI redaction certification, provided no usable evidence. Because there was no other unclassified evidence for the Tribunal to consider, the Tribunal had to look to the classified exhibits to support the assertions on the Unclassified Summary of Evidence. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

6. Consultations with the CSRT Legal Advisor

The Tribunal consulted the CSRT Assistant Legal Advisor regarding certain matters raised by Exhibit R-10, which are more fully discussed in paragraph 3 of Enclosure (2) to the CSRT Decision Report. The detainee also informed his Personal Representative that his statements were the product of torture (see Enclosure (3) to the CSRT Decision Report). As per instructions, the OARDEC Forward Chief of Staff and the OARDEC Liaison to the Criminal Investigation Task Force and JTF-GTMO were notified of the matters on 10 October 2004.

UNCLASSIFIED//FOUO

ISN [REDACTED]
Enclosure (1)
Page 2 of 3

UNCLASSIFIED//FOUO

7. Conclusions of the Tribunal

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

a. The detainee chose not to participate in the Tribunal proceeding. No evidence was produced that caused the Tribunal to question whether the detainee was mentally and physically capable of participating in the proceeding, had he wanted to do so. Accordingly, no medical or mental health evaluation was requested or deemed necessary.

b. The Personal Representative informed the Tribunal that the detainee understood the Tribunal process, but chose not to participate, as indicated in Exhibit D-a.

c. The detainee is properly classified as an enemy combatant because he was part of or supporting Taliban or Al Qaida forces.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,


Colonel, U.S. Army
Tribunal President

UNCLASSIFIED//FOUO

ISN 
Enclosure (1)
Page 3 of 3

30822

NOV00120

UNCLASSIFIED//FOUO**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION****(Enclosure (1) to Combatant Status Review Tribunal Decision Report)**TRIBUNAL PANEL: #5
ISN #: [REDACTED]**1. Introduction**

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and is a member or associated with al-Qaida and is affiliated with the Taliban. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The unclassified summary of evidence presented to the Tribunal by the Recorder indicated that the detainee is associated with al-Qaida. Those allegations are as follows:

1. The detainee stated that he observed UBL on three separate occasions.
2. The detainee stated that he lived in the "Azam Afwan" guesthouse in the Wazie Akbar Khan area of Kabul during September 11, 2001 and that the cooks were all al-Qaida.
3. The detainee stated that he lived at the "Najim (Ejm) al Jihad" guesthouse in Jalalabad, AF when Usama Bin Laden visited the guesthouse during the 1st week of the US bombing campaign in AF.
4. The detainee attended the Camp Farouq and the Malek training camp where he received training on the Kalashnikov rifle, rocket propelled grenades, PK machine gun, mountain fighting and tactics, anti-aircraft weapons, heavy artillery, surface-to-air missiles, topography, and explosives during the late spring 2000.
5. The detainee was captured in Tora Bora.

During the detainee's testimony to the Tribunal, he denied most allegations made against him, except the allegation that he had attended training at Al Farouq. The detainee's testimony often contradicted statements he made to interrogators and he claimed that he admitted to being a member of al-Qaida during torture by US Forces in Afghanistan. The detainee stated that he has been tortured here in Guantanamo Bay and that his shoulder was broken as a result of torture. He further stated that he received

UNCLASSIFIED//FOUOISN [REDACTED]
Enclosure (1)
Page 1 of 3

30863

NOV00121

Page 03

UNCLASSIFIED//FOUO

immediate medical attention for his shoulder and that he was still receiving medication. The detainee stated that he would only provide his testimony if the President promised that the detainee would not be tortured. The detainee chose to participate in the Tribunal process. He called no witnesses and requested no documents be produced. After all matters were considered, the preponderance of evidence clearly showed that the detainee has been properly classified as an Enemy Combatant. The Tribunal President's evidentiary and witness rulings are explained below.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a and R-1 through R-7
- b. Testimony of the following person: none

4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

The Detainee requested no witnesses be produced for the hearing.

The Detainee requested no additional evidence be provided.

5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

a. The recorder offered Exhibit R-1 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Accordingly, the Tribunal had to rely on the detainee's testimony and looked to classified exhibits for support of the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the detainee's testimony. A summarized transcript of the detainee's testimony is attached as CSRT Decision Report Enclosure (3). In sum, the detainee testified that most accusations made against him alleging his status as an enemy combatant were false. He denied being a member of or associated with al-Qaida, but confirmed that he attended Al Farouq to receive training in small caliber weapons and heavy artillery. The detainee testified that the previous admission that he was al-Qaida was made during torture and that he made that admission in an attempt to appease his torturers. The detainee denied that he was associated with the Taliban, or that he ever stayed in known al-Qaida or Taliban guesthouses. The Tribunal did not find the detainee's testimony persuasive and thus, turned to classified sources for further clarification.

UNCLASSIFIED//FOUO

ISN [REDACTED]
Enclosure (1)
Page 2 of 3

UNCLASSIFIED//FOUO

The Tribunal also relied on certain classified evidence in reaching its decision. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

6. Consultations with the CSRT Legal Advisor

No issues arose during the course of this hearing that required consultation with the CSRT legal advisor.

7. Conclusions of the Tribunal

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The detainee understood the Tribunal proceedings. The detainee asked no questions regarding his rights and actively participated in the hearing.
- c. The detainee is properly classified as an enemy combatant. Specifically, he is a member of or associated with al-Qaida and affiliated with the Taliban.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Tribunal President

UNCLASSIFIED//FOUO

ISN 
Enclosure (1)
Page 3 of 3

30865

NOV00123

Page 100
UNCLASSIFIED//FOUO

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: #20
ISN #: [REDACTED]

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this Detainee is properly classified as an enemy combatant and was part of or supporting Taliban or Al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The Tribunal held this hearing on 13 November 2004. The Recorder presented Exhibits R-1 through R-4 during the unclassified portion of the Tribunal. The primary exhibit, the Unclassified Summary of Evidence (Exhibit R-1), indicates, among other things, that: The Detainee is a member of Al Qaida and other affiliated terrorist organizations; the Detainee recruited individuals to attend Al Qaida run terrorist training camps in Afghanistan; the Detainee provided money and material support to Al Qaida terrorist training camps; and that the Detainee has received extensive training at Al Qaida run terrorist training camps since 1993. The Detainee has been trained on the AK-47, rocket propelled grenades (RPGs), handguns, ambush theory, detection of land mines and the manufacture of improvised grenades; the Detainee provided support to Al Qaida terrorists by providing shelter for their families while the Al Qaida members committed terrorist acts; the Detainee engaged in hostile acts against the United States or its coalition Partners; the Detainee was armed and prepared to fight on the frontlines against US and allied forces alongside Taliban and Al Qaida fighters; the Detainee retreated to the Tora Bora Afghanistan along with other Taliban and Al Qaida fighters; the Detainee engaged in these hostile actions while neither he nor his fellow fighters wore distinctive military emblems on their clothes, nor followed a typical chain of command; the Detainee provided support to Usama Bin Laden's Al Qaida terrorist network with full knowledge that Bin Laden had issued a declaration of war against the United States and that the Al Qaida network had committed numerous terrorist attacks against the United States and its citizens. The Recorder called no witnesses.

The Detainee initially indicated that he would attend and participate in the Tribunal. However, on the morning of the Tribunal, the Detainee refused to attend, citing

UNCLASSIFIED//FOUO

ISN [REDACTED]
Enclosure (1)
Page 1 of 5

instructions from his attorney. His decision is reflected on the Detainee Election Form (Exhibit D-a). The Personal Representative presented Exhibits D-b through D-g, and provided a summary of those exhibits that is provided at Enclosure (3) to the CSRT Decision Report. The Personal Representative called no witnesses on behalf of the Detainee.

During the classified session of the Tribunal, the Recorder presented Exhibits R-5 through R-27 without comment. The Personal Representative presented Exhibit D-h and provided a brief explanation. After considering all of the classified and unclassified evidence, the Tribunal determined that the Detainee is properly classified as an enemy combatant.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: R-1 through R-27, and D-a through D-h.
- b. Testimony of the following persons: None. But, the Detainee did provide a witness statement, which was submitted by the Personal Representative as Exhibit D-g.
- c. Sworn statement of the Detainee: None. But, the Detainee did provide a statement, which was submitted by the Personal Representative as Exhibit D-e.

4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

The Detainee requested the following witnesses:

- a. Shahid Abassi. This request was denied on the ground that the witness was not reasonably available. The Detainee did not provide enough detail regarding the witness' whereabouts to enable U.S. and Pakistani authorities to locate the witness. See page 1 of Enclosure (5) to the CSRT Decision Report.
- b. His wife, [REDACTED] and his wife, [REDACTED] and Abdul Wahid. The witness request for these United Kingdom residents was approved by the Tribunal President. The Department of State and United Kingdom authorities did successfully contact the witnesses. However, the witnesses failed to reply to the U.S. Embassy in the U.K. on whether they would make themselves available for the hearing. The witnesses did not appear at the hearing or provide written statements. See pages 1 and 2 of Enclosure (5) to the CSRT Decision Report.
- c. A Sudanese in charge of the [REDACTED] training camp. The Tribunal was able to identify this individual as Detainee # [REDACTED]. Detainee # [REDACTED] was interviewed by the Personal Representative. Detainee # [REDACTED] declined to participate in the hearing as a witness, but he

UNCLASSIFIED//FOUO

ISN [REDACTED]
Enclosure (1)
Page 2 of 5

30921

NOV00125

UNCLASSIFIED//FOUO

did agree to submit a statement, which was accepted as Exhibit D-f. See page 2 of Enclosure (5) to the CSRT Decision Report.

d. Patrick Hamilton and [REDACTED] The Detainee requested these individuals for the purpose of verifying that at one point he, the Detainee, was classified as a prisoner of war. The request was originally approved. However, upon consultation with the legal adviser and further reflection, the Tribunal President concluded that the witnesses were not relevant, and so the request was disapproved. The information that the witnesses were to provide was determined to be irrelevant because the fact, if established, that the Detainee was at one time classified as a prisoner of war is not germane to the question before the Tribunal, namely whether the Detainee was part of or supporting Taliban or Al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. See pages 2 and 3 of Enclosure (5) to the CSRT Decision Report.

e. [REDACTED] The Tribunal President made a determination that security considerations preclude this witness' presence at the hearing. Therefore, the witness request was denied on the ground that the witness was not reasonably available.

Prior to the hearing, the Detainee requested that a statement from his attorney be submitted as evidence. During the hearing, the Detainee, through his Personal Representative, submitted documents from two of his attorneys. These documents are the affidavits described in paragraph 5.a., below. See also page 2 of Enclosure (5) to the CSRT Decision Report.

The Detainee did request from the Tribunal prior to the hearing a definition of Al Qaida and a list of associated forces, as that phrase is used in Exhibit R-1, the Unclassified Summary of Evidence. Responsive answers to both inquiries were provided to the Detainee through his Personal Representative prior to the scheduled hearing date. See pages 1, 4 and 5 of Enclosure (5) to the CSRT Decision Report.

The Detainee requested from the Tribunal prior to the hearing that he be administered a polygraph as a means of bolstering his claim of innocence. The Tribunal President concluded that she did not have the authority to grant such a request, as there are no polygraphers attached to the Tribunals. Moreover, given the nature of polygraphy, especially in a cross-cultural setting such as this, the Tribunal doubted the helpfulness of such an examination, even if it were to show no deception to relevant questions. The Tribunal preferred instead to rely upon the testimony of the Detainee, were he to offer any, and the documents submitted by the Recorder and the Personal Representative. Therefore, the request was denied. See page 2 of Enclosure (5) to the CSRT Decision Report.

5. Discussion of Unclassified Evidence

UNCLASSIFIED//FOUO

ISN [REDACTED]
Enclosure (1)
Page 3 of 5

30922

NOV00126

UNCLASSIFIED//FOUO

The Tribunal considered the following unclassified evidence in making its determinations:

a. The Recorder offered Exhibits R-1 through R-4 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibits R-2 and R-3 are affidavits submitted by the Detainee's two attorneys to the U.S. District Court for the District of Columbia discussing aspects of the attorneys' representation of the Detainee. Exhibit R-4 is the Government's motion to consolidate various habeas corpus petitions from individuals being detained by the U.S.. Exhibits R-2 through R-4 did not provide information helpful to the Tribunal on the question of whether this Detainee meets the definition of an enemy combatant. Accordingly, the Tribunal had to look to other evidence to support the assertions in the Unclassified Summary of Evidence and the Tribunal's conclusions.

b. As noted in paragraph 2, above, the Detainee, through his Personal Representative, submitted Exhibits D-b through D-g in the unclassified session. Exhibit D-b is a letter to the Detainee from his lawyer. Exhibit D-c is the Detainee's habeas corpus petition. Exhibit D-d is a letter from Deputy Assistant General Thomas R. Lee to the Senior Judge of the Washington D.C. federal district court providing his estimate of the time frame in which the CSRT process could be completed. Exhibit D-f is a copy of the Third Geneva Convention. While valuable to the Tribunal generally, Exhibits D-c, D-d and D-f were not directly relevant to the issue before the Tribunal.

c. As noted, Exhibit D-e is the Detainee's statement. Much of that exhibit is also dedicated to the discussion of issues outside the scope of the Tribunal's inquiry. However, the Detainee did emphatically and at length deny the allegations contained in paragraph 3 of Exhibit R-1, the Unclassified Summary of Evidence. The Tribunal accepted the Detainee's statements as an acknowledgement that he had some involvement with a number of terrorists and terrorist training camps, including providing financial support, but otherwise found the Detainee's testimony unpersuasive when considered in conjunction with the classified evidence. The Tribunal did note the Detainee's assertion that he signed a statement under duress, but also noted that the Detainee acknowledges that he was afforded an opportunity to edit that statement.

d. Exhibit D-f is a statement by another Detainee, [REDACTED]. As discussed above, the Detainee had requested [REDACTED] as a witness. The Personal Representative advised the Tribunal that Detainee [REDACTED] declined to participate as a witness, but did agree to submit a statement. The Personal Representative further advised the Tribunal that the statement is written by the translator, documenting Detainee's [REDACTED] verbal statements. The picture on the Exhibit is that of Detainee Beggs.

6. Consultations with the CSRT Legal Advisor

UNCLASSIFIED//FOUO

ISN # [REDACTED]
Enclosure (1)
Page 4 of 5

30923

NOV00127

Page 28

UNCLASSIFIED//FOUO

The Tribunal consulted the CSRT Assistant Legal Advisor regarding the Detainee's allegations made in his statement that he witnessed individuals in custody being abused, and that he was abused, or at least threatened with abuse, as well (see Exhibit D-e). As per instructions, the OARDEC Forward Chief of Staff and the OARDEC Liaison to the Criminal Investigation Task Force and JTF-GTMO were notified of the matters on 15 November 2004. This information had previously been passed to the OARDEC liaison on 23 September 2004.

7. Conclusions of the Tribunal

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

a. The Detainee chose not to participate in the Tribunal proceeding. No evidence was produced that caused the Tribunal to question whether the Detainee was mentally and physically capable of participating in the proceeding, had he wanted to do so. Accordingly, no medical or mental health evaluation was requested or deemed necessary.

b. As indicated in Exhibit D-a, the Detainee made a conscious decision not to attend his pre-Tribunal interview session with the Personal Representative. Accordingly, the Tribunal finds the Detainee made a knowing, intelligent and voluntary decision not to participate in the Tribunal process.

c. The Detainee is properly classified as an enemy combatant because he was part of or supporting Taliban or Al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,


Colonel, U.S. Army
Tribunal President

UNCLASSIFIED//FOUO

ISN 
Enclosure (1)
Page 5 of 5

30924

NOV00128

Page 1177
UNCLASSIFIED//FOUO

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: _____ **#6**
ISN #: _____

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates the Tribunal has determined that this detainee is properly classified as an enemy combatant and was part of or supporting Al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The Tribunal commenced this hearing on 20 September 2004. The Recorder presented Exhibits R-1 through R-5 during the unclassified portion of the Tribunal. The primary exhibit, the Unclassified Summary of Evidence (Exhibit R-1), indicates, among other things, that the detainee: admits traveling to Afghanistan prior to the attacks of 11 September 11 2001, where he stayed at a known Al Qaida safehouse in Kandahar, Afghanistan, which was run by a highly placed Al Qaida operative; admits residing in another safe house in Kabul, Afghanistan, where the number of guests and the amount of activity significantly increased just prior to the attacks of 11 September 2001; admits having knowledge of the 11 September 2001 attacks prior to their occurrence; admits he conducted surveillance of buildings, hospitals and schools with another detainee; admits he assisted with the transfer of chemical weapons at a compound near Kabul; states he trained several of the 11 September 2001 hijackers in martial arts and had planned to hijack a plane himself; and, was captured along with two German Muslims in Pakistan by Pakistani authorities. The Recorder called no witnesses.

The detainee chose not to attend the Tribunal as reflected in the Detainee Election Form (Exhibit D-a); however, he did ask the Personal Representative to tell the Tribunal that: nothing in the Unclassified Summary of Evidence is true; he was kidnapped from Pakistan, taken to Egypt, then brought to Guantanamo Bay; all of the information he has given prior to his meeting with his Personal Representative on 17 September 2004 was given under duress and torture; he has been tortured since being captured and has reported that fact to the International Committee of the Red Cross; and he would tell interrogators what they wanted to hear because he was in fear.

UNCLASSIFIED//FOUO

ISN [REDACTED]
Enclosure (1)
Page 1 of 4

31015

NOV00129

Page 1000

UNCLASSIFIED//FOUO

During the classified session of the Tribunal, the Recorder presented Exhibits R-6 through R-19. The Personal Representative presented no classified evidence. Both the Recorder and the Personal Representative commented on the classified exhibits.

While the Tribunal was reading the classified exhibits, the Tribunal received instructions from the Office for the Administrative Review of the Detention of Enemy Combatants in Washington, D.C., to recess the Tribunal until further notice. The Tribunal was subsequently instructed to reconvene on 22 September 2004, which it did. When the Tribunal reconvened its classified session, the Recorder introduced into evidence the second page of Exhibit R-10, which had inadvertently not been included with the original exhibit. The Tribunal then completed reading all of the classified exhibits and closed for deliberations. The Tribunal considered both the unclassified and classified exhibits and the detainee's comments made through the Personal Representative in reaching its decision.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: R-1 through R-19 and D-a.
- b. Testimony of the following persons: None.
- c. Unsworn Statement of the detainee (through the Personal Representative):

See Enclosure (3) to the CSRT Decision Report.

4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

The Detainee requested no witnesses.

The Detainee requested no additional evidence be produced.

5. Discussion of Unclassified Evidence

The recorder offered Exhibits R-1 through R-5 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 (the FBI redaction certification), and Exhibits R-3 and R-4 (documents relating to the detainee's pending Habeas petition), provided no usable evidence. Exhibit R-5, an excerpt from the Terrorist Organization Reference Guide, provided useful information on the Hizballah and Lashkar-e-Tayyiba terrorist/terrorist support groups. Because there was no other unclassified evidence for the Tribunal to consider other than the Personal Representative's denials on behalf of the detainee of the

UNCLASSIFIED//FOUO

ISN [REDACTED]
Enclosure (1)
Page 2 of 4

UNCLASSIFIED//FOUO

assertions on the Unclassified Summary of Evidence, the Tribunal had to look to the classified exhibits to support the assertions on the Unclassified Summary of Evidence and the Tribunal's conclusions. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

6. Consultations with the CSRT Legal Advisor

a. When the CSRT Decision Report was being prepared, the Tribunal realized that the Reporter who recorded the proceeding on 20 September 2004 was not the same Reporter who recorded the proceeding on 22 September, and as a result, had not been sworn. Accordingly, on 23 September 2004, the Tribunal reconvened for the sole purpose of swearing the Reporter with respect to the classified proceedings of the previous day. The Tribunal members, the Personal Representative, and the Recorder were present. No further corrective action was required.

b. Because the Personal Representative's comments on behalf of the detainee allege that he has been tortured (see Enclosure (3) to the CSRT Decision Report and Exhibit R-10), the Tribunal notified the CSRT Assistant Legal Advisor. As per instructions, the OARDEC Liaison to the Criminal Investigation Task Force and JTF-GTMO was also notified of the matter on 22 September 2004.

7. Conclusions of the Tribunal

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

a. The detainee chose not to participate in the Tribunal proceeding. No evidence was produced that caused the Tribunal to question whether the detainee was mentally and physically capable of participating in the proceeding, had he wanted to do so. Accordingly, no medical or mental health evaluation was requested or deemed necessary.

b. The Personal Representative informed the Tribunal that the detainee understood the Tribunal process, but chose not to participate, as indicated in Exhibit D-a.

c. The detainee is properly classified as an enemy combatant because he was part of or supporting Al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners.

UNCLASSIFIED//FOUO

ISN [REDACTED]
Enclosure (1)
Page 3 of 4

UNCLASSIFIED//FOUO

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

[REDACTED]

Colonel, U.S. Army
Tribunal President

UNCLASSIFIED//FOUO

ISN [REDACTED]
Enclosure (1)
Page 4 of 4

31018

NOV00132

UNCLASSIFIED//FOUO

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: #13
ISN #: [REDACTED]**1. Introduction**

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al Qaida. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee attended al Qaida's al Farouq camp in Afghanistan in 2000. The Detainee appeared in an al Qaida movie about the USS Cole bombing and attended a passport-forging class paid for by al Qaida. The Detainee received weapons training at al Qaida's al Ghuraba camp and attended counterintelligence training in Kabul, Afghanistan. The Detainee was captured with a Makhab al-Khidmat-inscribed Quran. Makhab al-Khidmat is a terrorist organization. The Detainee chose to participate in the Tribunal process. He did not request any witnesses or any documentary evidence. The Detainee made a sworn statement with the help of his Personal Representative and responded to the Tribunal's questions. The Detainee, in his verbal statement, denied all of the allegations and denied being associated with al Qaida or the Makhab al-Khidmat.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a and R-1 through R-24.
- b. Testimony of the following persons: N/A
- c. Sworn statement of the detainee.

UNCLASSIFIED//FOUO

ISN [REDACTED]
Enclosure (1)
Page 1 of 3

UNCLASSIFIED//FOUO

4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

The Detainee requested that no witnesses be produced for the hearing. The Detainee requested no additional evidence be produced. As such the Tribunal President did not need to make any determinations as to relevance and reasonable availability.

5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

a. The recorder offered Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 provided no usable evidence. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the Detainee's sworn statement and his responses to the Tribunal's questions. A summarized transcript of the Detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3) and the written statement of the Detainee as Exhibit D-B. In sum, the Detainee testified that the unclassified summary allegations were not true. He never attended training at al Farouq camp, did not appear in an al Qaida movie, and did not attend a passport-forging class. The Detainee indicated that Abu Zabaydah made all of these allegations. The Detainee claimed that he did not know Abu Zabaydah and that all his allegations were obtained under torture. Additionally, the Detainee claimed that he never received weapons training at the al Farouq or al Ghuraba camp. He stated that al Ghuraba belonged to another group. As to the allegation of receiving counterintelligence training, the Detainee claimed that this was a lie and that his friend, [REDACTED] who was captured with him in Pakistan was tortured and that he made this statement about the Detainee under duress and therefore it was not accurate. The Detainee denied being affiliated with Makhbar al-Khidmat. As to the copy of the Quran that he had, he claimed that he was kidnapped and that it was given to him while he was being held for ransom. He further stated that this was a humanitarian organization and that it dissolved about 15 years ago. The Detainee further added that he had traveled to Afghanistan to visit his brother. He lived with his brother for approximately 1 1/2 years, studying the Quran and Shari (Islamic Law).

The Tribunal also relied on certain classified evidence in reaching its decision. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

UNCLASSIFIED//FOUO

ISN [REDACTED]
Enclosure (1)
Page 2 of 3

UNCLASSIFIED//FOUO

7. Conclusions of the Tribunal

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The detainee understood the Tribunal proceedings. He asked no questions regarding his rights and actively participated in the hearing.
- c. The detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al Qaida.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

[REDACTED]

Colonel, U.S. Army
Tribunal President

UNCLASSIFIED//FOUO

ISN [REDACTED]
Enclosure (1)
Page 3 of 3

31171

NOV00135

UNCLASSIFIED/FOUO

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: #27
ISN #: [REDACTED]

1. Introduction

As the Combatant Status Review Tribunal Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant: and is a member of, or affiliated with, associated forces that are engaged in hostilities against the United States or its coalition partners. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal. Any classified evidence considered by the Tribunal is discussed in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee is a member of forces associated with the Taliban. The Detainee was captured in the company of [REDACTED] Pacha Khan, a renegade Pashtun Commander, has conducted military operations against the Afghan Transitional Administration (ATA) and coalition forces. The Detainee claims to have worked as [REDACTED]

[REDACTED] The Detainee ran a safe house for [REDACTED]
[REDACTED] The Detainee was arrested by Americans at his neighbor's house in Khowst, Afghanistan on 20 September 2002, attempting to elude capture by hiding with a group of women.

The Detainee chose to participate in the Tribunal process. He called two witnesses, requested several documents be produced, and made an oral, sworn statement. The Tribunal President found the requested witnesses reasonably available although both of the witnesses' testimony had to be submitted in writing. The Tribunal President found that the off-island requested document and the requested pocket litter to be not reasonably available. The Personal Representative submitted a translated copy of a letter from the Detainee's brother in the unclassified session. He also presented documentary evidence about the pocket litter; however, this was presented during the classified session of the proceeding. The Detainee, in his oral statement, denied being a Taliban member. The Tribunal President's evidentiary and witness rulings are explained below.

UNCLASSIFIED/FOUO

ISN [REDACTED]
Enclosure (1)
Page 1 of 4

31201

NOV00136

UNCLASSIFIED/FOUO

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a through D-e, R-1 through R-36
- b. Testimony of the following persons: [REDACTED]
- c. Sworn statement of the detainee.

4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

The Detainee requested the following witnesses be produced for the hearing:

<u>Witness</u>	<u>President's Decision</u>	<u>Testified?</u>
[REDACTED]	reasonably available	yes*
[REDACTED]	reasonably available	yes**

* The Detainee proffered that the witness could testify to the fact that the Detainee worked for the [REDACTED] and that the Detainee supported the Karzai government. As such the original assigned Tribunal President determined that this witness request would be relevant to the Detainee's case. Due to cross-camp restrictions, this witness' testimony had to be submitted in writing and was submitted in evidence as Exhibit D-b.

** The Detainee proffered that this witness could testify that the Detainee did not run or know of Karim's safehouse for explosives making. As such the original assigned Tribunal President determined that this witness request would be relevant to the Detainee's case. Due to cross-camp restrictions, this witness' testimony had to be submitted in writing and was submitted in evidence as Exhibit D-c.

The Detainee requested the following additional evidence be produced:

<u>Evidence</u>	<u>President's Decision</u>	<u>Produced?</u>
Pocket Litter	Not reasonably available	no*
Hazere papers (Employment Documents) from National Directorate of Security	not reasonably available	no**

* The Detainee requested several documents that he had on his person at the time of his capture be submitted to the tribunal. The Personal Representative took a number of steps to try and locate this Pocket Litter and has submitted this as Exhibit R-23. Due to the attempt to locate and failure to produce, the Tribunal President ruled that this

UNCLASSIFIED/FOUO

ISN [REDACTED]
Enclosure (1)
Page 2 of 4

UNCLASSIFIED/FOUO

documentation is not reasonably available. However, in lieu of the actual documents, the Personal Representative submitted the inventory and summary to the Tribunal.

** The Detainee proffered that these documents requested for the period from January 2002 to September 2002 would prove that the Detainee worked for the National Directorate of Security (NDS). As such the original assigned Tribunal President determined that this information could be relevant and made a request to obtain this document. In accordance with standard procedures, the request was sent to the U.S. Department of State on 28 December 2004 with a follow-up on 10 January 05. To date, the Department of State has indicated they have had no response back from the Foreign Embassy. As such, the Tribunal President determined that based on the attempt to locate and the lack of response, this document was not reasonably available.

5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

a. The recorder offered Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 provided no usable evidence. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.

b. The Tribunal considered the Detainee's sworn testimony and the written documents submitted by the Detainee. A summarized transcript of the Detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee stated that he was not a Taliban member; in fact, he had several times openly defied the Taliban government which resulted in severe penalties. The Detainee went to [REDACTED]

[REDACTED] He was acquainted with [REDACTED] through work and prayer. He did not run a safehouse for [REDACTED]. When the Taliban fell, the Detainee was asked to go to work for the National Security Division (NDS). The Detainee stated that he was [REDACTED]

[REDACTED] He also video taped illegal activities and turned these tapes over to the U.S. forces. Additionally, in this job, he campaigned against the Taliban. Pacha Khan and [REDACTED] were his enemies. Pacha Khan had [REDACTED] on one occasion. The Detainee used his own money [REDACTED] so that they would be able to function. The Detainee also stated that they were paid a salary on a fairly regular basis, although he admitted that a few of the payments were a little late.

UNCLASSIFIED/FOUO

ISN [REDACTED]
Enclosure (1)
Page 3 of 4

UNCLASSIFIED/FOUO

c. Statements from two in-camp witnesses, [REDACTED] were provided by the Personal Representative as Exhibit D-b and D-c.

d. The Detainee made an allegation of physical mistreatment while he was in detention in Afghanistan at the hands of his U.S. captors. The Tribunal President made inquiry of the Detainee to note his statements about such alleged mistreatment. The Tribunal President has caused these allegations to be reported to the chain of command.

The Tribunal also relied on certain classified evidence in reaching its decision. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

6. Consultations with the CSRT Legal Advisor

No issues arose during the course of this hearing that required consultation with the CSRT legal advisor.

7. Conclusions of the Tribunal

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

a. The Detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed appropriate.

b. The Detainee understood the Tribunal proceedings. He asked no questions regarding his rights and actively participated in the hearing.

c. The Detainee is properly classified as an enemy combatant and is a member of, or affiliated with associated forces that are engaged in hostilities against the United States or its coalition partners.

8. Dissenting Tribunal Member's Report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

[REDACTED]
COL, U.S. Army
Tribunal President

UNCLASSIFIED/FOUO

ISN [REDACTED]
Enclosure (1)
Page 4 of 4

31204

NOV00139

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UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: #26
ISN #: [REDACTED]**1. Introduction**

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and is a member of, or affiliated with, the Taliban. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The Tribunal held this hearing on 17 December 2004. The Recorder presented Exhibit R-1 during the unclassified portion of the Tribunal. That Exhibit, the Unclassified Summary of Evidence, indicates, among other things, that: the detainee is associated with the Taliban; the detainee engaged in hostilities against the United States or its coalition partners; the detainee was part of a group that attacked the Shkin firebase with AK-47 rifles, PK machine guns, grenades, and rocket-propelled grenade launchers; and the detainee was armed for this attack with grenades and an AK-47 rifle. The Recorder called no witnesses.

The detainee participated actively in the Tribunal proceedings. He began by responding to each of the allegations on the Unclassified Summary of Evidence and answered questions from the Personal Representative and the Tribunal members. The detainee's sworn testimony and his answers to the questions posed to him are summarized in Enclosure (3) to the CSRT Decision Report.

The detainee called one witness, [REDACTED]. The Tribunal President ruled that the requested witness not reasonably available, and that alternative means of producing the witness's testimony were also not reasonably available. The detainee presented no other evidence nor requested any document be produced. The Tribunal President's evidentiary and witness rulings are explained in paragraph 4, below.

During the classified session of the Tribunal, the Recorder presented Exhibits R-2 through R-11, identifying those exhibits that directly addressed the allegations in the Unclassified Summary of Evidence and those that provided amplifying information. The Personal Representative neither presented classified documents nor commented on the classified evidence.

After considering all of the classified and unclassified evidence, the Tribunal determined that the detainee is properly classified as an enemy combatant.

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ISN [REDACTED]
Enclosure (1)
Page 1 of 4

31240

NOV00140

UNCLASSIFIED//FOUO

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a and R-1 through R-11.
- b. Sworn statement of the detainee:

See Enclosure (3) to the CSRT Decision Report.

4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

The Detainee requested the following witnesses be produced for the hearing:

<u>Witness</u>	<u>President's Decision</u>	<u>Testified?</u>
[REDACTED]	not reasonably available	no*

* The Tribunal President explained to the detainee, on the record, that he had determined this witness' testimony would be relevant, and asked the U.S. Government attempt to produce him. The CSRT legal advisor then used standard CSRT procedures to request that the U.S. Department of State attempt to contact this individual through the [REDACTED] Government. The Department of State subsequently informed the CSRT legal advisor that they had made a formal request on or about 27 October 2004 to the Government of [REDACTED] to locate this individual. The Government of [REDACTED] did not respond to the request. Later, when it was learned the witness is actually a [REDACTED] national, the CSRT legal advisor again used standard CSRT procedures to request the U.S. Department of State attempt to contact this individual through the [REDACTED] Government. The Department of State subsequently informed the CSRT legal advisor on 10 December 2004 that they did not have sufficient information on the witness requested to locate him (see enclosure 6). Moreover, no individual with the name the detainee provided was in U.S. custody. Therefore, lacking sufficient information to locate the requested witness, the Tribunal President ruled that this witness not reasonably available.

The detainee requested no additional evidence be produced.

5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

- a. The recorder offered Exhibit R-1 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Accordingly, the Tribunal had to look to classified exhibits and to the detainee's statement for support for the Unclassified Summary of Evidence.

UNCLASSIFIED//FOUO

ISN [REDACTED]
Enclosure (1)
Page 2 of 4

UNCLASSIFIED//FOUO

b. Essentially the only unclassified evidence the Tribunal had to consider was the detainee's sworn testimony. A summarized transcript of the detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the detainee testified that he was tricked into joining a group that engaged in an attack against the Shkin firebase. He stated he met [REDACTED] at his Madrassah, who invited him to a different Madrassah in Pakistan. He waited several weeks for [REDACTED] to arrive, and eventually a man he had not met before called his name and said to join him. He got into a truck with several other people, and drove into Afghanistan. On the way, he learned the group had weapons with them. They asked the detainee to take a bag of bullets and grenades with him. The detainee stated he waited at the bottom of a hill, while [REDACTED] and others launched a rocket attack against a target from the top of the hill. Everyone in the attacking party ran, but the detainee got separated from the group, leaving him with the bag of bullets and grenades. He found some Afghan soldiers, and told them everything. U.S. personnel approached him, and took him into custody.

The Tribunal also relied on certain classified evidence in reaching its decision. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

6. Consultations with the CSRT Legal Advisor

The CSRT Assistant Legal Advisor was consulted regarding the witness issue discussed above.

The Tribunal consulted the CSRT Assistant Legal Advisor regarding allegations made by the detainee in his testimony that U.S. personnel had physically abused him in a U.S. facility in Bagram, Afghanistan. The OARDEC Forward Officer in Charge and the OARDEC Liaison to the Criminal Investigation Task Force were notified of the matters on 17 December 2004.

7. Conclusions of the Tribunal

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The detainee understood the Tribunal proceedings. He indicated that he understood the proceedings, fully participated in his hearing, asked relevant questions, and provided helpful information during his sworn statement.
- c. The detainee is properly classified as an enemy combatant and is a member of, or affiliated with, the Taliban.

UNCLASSIFIED//FOUO

ISN [REDACTED]
Enclosure (1)
Page 3 of 4

UNCLASSIFIED//FOUO

8. Dissenting Tribunal Member's Report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

A large black rectangular redaction box covering the signature of the Tribunal President.

Tribunal President

UNCLASSIFIED//FOUO

ISN [REDACTED]
Enclosure (1)
Page 4 of 4

31243

NOV00143

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: #2
ISN #: 892

1. Introduction

As the Combatant Status Review Tribunal Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee was a fighter for Al-Qaeda because he attended the [REDACTED] training camp in Afghanistan in 2000 or 2001 (although the Detainee denied this in his oral statement at the Tribunal on 7 August 2004). At the [REDACTED] training camp, the Detainee allegedly was trained how to use a Kalashnikov rifle, as well as heavy artillery and heavy weapons (the Detainee denied this as well in his oral statement). The unclassified evidence supported the Government's proposition that the Detainee freely chose to support Al-Qaeda through his actions. After an initial reluctance, the Detainee chose to participate in the Tribunal process. He did not request any witnesses be produced on his behalf. The detainee made an oral, sworn statement, in which he denied being a fighter as well as being a member or supporter of Al-Qaeda or the Taliban.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a, R-1 through R-8.
- b. Sworn statement of the detainee.

4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

The Detainee requested no witnesses or additional evidence be produced; therefore, no rulings on these matters were required to be made.

ISN #892
Enclosure (1)
Page 1 of 3

31254

NOV00144

5. Discussion of Unclassified Evidence

The Tribunal found the following unclassified evidence persuasive in making its determinations: Exhibits R-2 (21 Feb 03) and R-3 (13 Mar 03), respectively. Exhibit R-2, in pertinent part, indicates that the Detainee admitted, after an initial reluctance, receiving free weapons training at the [REDACTED] training camp in Afghanistan for 10 days. This training included instruction on the Kalashnikov rifle, heavy artillery, and some type of anti-aircraft weapon. Upon being questioned further about his reasons for attending the [REDACTED] training camp, the Detainee could not provide an answer. Exhibit R-3 provides a detailed summary of the Detainee's account of how he got to Afghanistan (though his assertion of never having heard any discussion of "jihad" while studying at the Islamic Law institute in Kandahar is not credible, given the environment at that time in 2000-2001). The Tribunal notes that the Detainee also denies being a member of Al-Qaeda in Exhibit R-3.

In reviewing the evidence, the Tribunal was guided by Paragraph G-11 of Enclosure (b), and assigned a rebuttable presumption of genuineness and accuracy to the Government Evidence.

The Tribunal found the following unclassified evidence unpersuasive in making its determinations: the Detainee's sworn statement (even though during deliberations, the Tribunal considered the fact that the statement was sworn and weighed this evidence accordingly).

After changing his mind as to his decision to participate and his method of participating, the Detainee eventually chose to make a sworn statement. He claimed that he was tortured into initially making the admissions of military training (as reflected in Exhibit R-2) while being questioned in Afghanistan. He claimed that this information should have been in his file (it was not present in any information submitted to the Tribunal). He claimed not have been tortured after his arrival in Cuba. When reminded that he had made his statement as reflected in Exhibit R-2 after he arrived in Cuba and that it made no mention of previous torture, the Detainee asserted that he didn't change his story because he thought he would be tortured in Cuba as he had been in Afghanistan. The detainee claimed to have "recanted" the information provided as reflected in Exhibits R-2 and R-3 although there was no evidence presented that he had made any attempt to do so since February or March 2003.

The Tribunal also relied heavily on the classified evidence presented in reaching its decision. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

6. Consultations with the CSRT Legal Advisor

One issue arose during the course of this hearing that required consultation with the CSRT legal advisor. One of the pieces of evidence as indicated in paragraph 3a3 of Exhibit R-1 was marked as SECRET/NOFORN. Observing that classified evidence is

not supposed to be provided to the Tribunal during the unclassified portion of the hearing, the Tribunal inquired as to whether the information really was classified. Upon review of Exhibit R-2, the Tribunal President noted that the information referenced in paragraph 3a3 was actually contained in R-2, an unclassified exhibit. The Tribunal President therefore found that the information referenced in paragraph 3a3 was actually unclassified, and therefore no improper release of classified information had occurred. The Deputy Legal Advisor considered the matter and advised that the Tribunal should reconvene on the record to resolve the issue. The Tribunal did so (in a closed session, as the discussion concerned classified information) and clarified this matter on the record.

7. Conclusions of the Tribunal

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was requested or deemed necessary.
- b. The detainee understood the Tribunal proceedings. He asked questions regarding his rights, appeared satisfied with the answers provided by the Tribunal President, and otherwise actively participated in the hearing.
- c. The detainee is properly classified as an enemy combatant.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,


Colonel, U.S. Marine Corps
Tribunal President

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UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: #7
 ISN #: [REDACTED]

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and was part of or supporting Taliban forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The Tribunal held this hearing on 5 November 2004. The Recorder presented Exhibits R-1 and R-2 during the unclassified portion of the Tribunal. The primary exhibit, the Unclassified Summary of Evidence (Exhibit R-1), indicates, among other things, that: the detainee worked for [REDACTED] Afghanistan, in December 2001; a senior Taliban commander, and Al Qaida supporter, in Gardez frequently visited [REDACTED] compound; [REDACTED] has claimed to be on a jihad against the United States and instructed his men they must do the same; the detainee admitted to being on a jihad; [REDACTED] with the assistance of others, was responsible for rocket attacks against United States forces from firing positions on Laywan Mountain; the detainee was instructed to fight to the death when American forces raided the [REDACTED] compound on 11 December 2002, but surrendered instead; and, just prior to the U.S. forces raid on the [REDACTED] compound, the detainee instructed his compatriots to all provide the same false story if captured. The Recorder called no witnesses.

The detainee participated actively in the Tribunal proceedings and responded under oath to each of the allegations on the Unclassified Summary of Evidence. In sum, the detainee admitted that he worked for [REDACTED] and carried an AK-47 with him at all times, but denied being a member of the Taliban or Al Qaida or fighting U.S. or coalition forces. The detainee's sworn testimony and the answers to the questions posed to him are summarized in Enclosure (3) to the CSRT Decision Report. The detainee presented no other evidence.

UNCLASSIFIED//FOUO

ISN [REDACTED]
 Enclosure (1)
 Page 1 of 3

31283

NOV00147

UNCLASSIFIED//FOUO

During the classified session of the Tribunal, the Recorder presented Exhibits R-4 through R-17 (Exhibit R-3 was not offered into evidence) without comment. The Personal Representative neither presented classified exhibits nor made any comments on the classified evidence. After considering all of the classified and unclassified evidence, the Tribunal determined that the detainee is properly classified as an enemy combatant.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: R-1, R-2, R-4 through R-15, and D-a. The Recorder did not offer Exhibit R-3 into evidence.
- b. Testimony of the following persons: None.
- c. Sworn statement of the detainee:

See Enclosure (3) to the CSRT Decision Report.

4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

The detainee requested no witnesses.

The detainee requested no additional evidence be produced.

5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

a. The Recorder offered Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2, the FBI redaction certification, provided no usable evidence. Accordingly, the Tribunal had to look to other evidence to support the assertions on the Unclassified Summary of Evidence and the Tribunal's conclusions.

b. As noted in paragraph 2, above, the detainee made a sworn statement responding to each of the allegations on the Unclassified Summary of Evidence. Afterwards, he answered questions posed by the Tribunal members. In sum, the detainee denied being a member of the Taliban or Al Qaida; admitted he worked for [REDACTED] and carried an AK-47; denied any knowledge of a senior Taliban commander/Al Qaida supporter visiting [REDACTED] compound; denied

UNCLASSIFIED//FOUO

ISN [REDACTED]
Enclosure (1)
Page 2 of 3

UNCLASSIFIED//FOUO

being on a Jihad or fighting against the United States, claiming he only worked as a [REDACTED] admitted he previously said [REDACTED] was responsible for rocket attacks against U.S. positions in Afghanistan, but clarified he does not know for sure if they were against U.S. positions or personal enemies of [REDACTED] admits he told U.S. interrogators in Afghanistan that he was ordered to fight to the death when U.S. forces came to capture him, but says he made the admission under fear of death; and denied ever telling his compatriots to lie. The Tribunal found the detainee's testimony unpersuasive when considered in conjunction with the classified evidence. A summarized transcript of the detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3).

6. Consultations with the CSRT Legal Advisor

The Tribunal notified the CSRT Assistant Legal Advisor regarding the detainee's allegations that U.S. personnel in Afghanistan forced him to admit things that weren't true by stripping him of all of his clothes, beating him, and threatening to turn dogs loose on him (see Enclosure (3) to the CSRT Decision Report). As per instructions, the OARDEC Forward Chief of Staff and the OARDEC Liaison to the Criminal Investigation Task Force and JTF-GTMO were notified of the matters on 5 November 2004.

7. Conclusions of the Tribunal

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The detainee understood the Tribunal proceedings and actively participated throughout the hearing.
- c. The detainee is properly classified as an enemy combatant because he was part of or supporting Taliban forces, or associated forces that are engaged in hostilities against the United States or its coalition partners.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

[REDACTED]
Colonel, U.S. Army
Tribunal President

UNCLASSIFIED//FOUO

ISN [REDACTED]
Enclosure (1)
Page 3 of 3

UNCLASSIFIED/FOUO

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: #19
ISN #: [REDACTED] **1. Introduction**

As the Combatant Status Review Tribunal Decision Report indicates, the Tribunal has determined that this Detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al Qaida and/or associated forces that are engaged in hostilities against the United States or its coalition partners. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal. Any classified evidence considered by the Tribunal is discussed in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee is associated with the Taliban or al Qaida. The Detainee worked at a U.S. military base in Kabul, Afghanistan. The Detainee assisted a member of a terrorist organization, Hezb-E-Islami Gulduddin, who had plans to plant a bomb at a U.S. military base in Afghanistan. Hezb-E-Islami Gulduddin is a known terrorist organization that has long established ties to al Qaida. The Detainee provided a list of personnel assigned to the Karzai Protection Detail and the serial numbers to their weapons to a member Hezb-E-Islami Gulduddin. The Detainee provided photographs of a U.S. military base in Afghanistan to a member Hezb-E-Islami Gulduddin. The Detainee provided computer media containing a template of the security badge used at a U.S. military base in Afghanistan and digital images of personnel involved with security at the aforementioned base. The Detainee stole his work computer and transferred the information to computer media for the purpose of providing it to a member Hezb-E-Islami Gulduddin. The Detainee applied for a visa to the United States under a different name. The Detainee chose to participate in the Tribunal process. He called one witness, requested no documents be produced, and made an oral, sworn statement. The Tribunal President found the requested witness not reasonably available, and that alternative means of producing the witness's testimony were also not reasonably available. The Detainee, in his sworn, oral statement, denied being part of the Taliban or al Qaida. The Tribunal President's evidentiary and witness rulings are explained below.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

UNCLASSIFIED/FOUO

ISN [REDACTED]
Enclosure (1)
Page 1 of 4

31415

NOV00150

UNCLASSIFIED/FOUO

- a. Exhibits: D-a, R-1 through R-15
- b. Testimony of the following persons: none.
- c. Sworn statement of the Detainee.

4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

The Detainee requested one witness be produced for the hearing:

<u>Witness</u>	<u>President's Decision</u>	<u>Testified?</u>
Mr. [REDACTED]	not reasonably available	no*

* The Tribunal President deemed that the Detainee's request for this witness was relevant to the Detainee's status as an enemy combatant. The Department of State was contacted on 9 November, with follow-up attempts made on 22 November and 29 November. As of 1 December 2004, the Department of State had received no response to the status of this witness request. Therefore, the Tribunal President made the determination that based on the attempt to contact and lack of response; the witness is not reasonably available.

The Detainee requested no additional evidence be produced.

5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

a. The recorder offered Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 provided no usable evidence. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the Detainee's sworn testimony. A summarized transcript of the Detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee stated that he worked for [REDACTED] in downtown Kabul, Afghanistan, not at a military base. The Detainee said that he had worked for the company for about six months, first as [REDACTED]. The Detainee had heard that [REDACTED] was a commander of Hezb-E-Islami Gulbuddin (HIG) and controlled the road between Kabul and Jalalabad but that he never assisted him in

UNCLASSIFIED/FOUO

ISN [REDACTED]
Enclosure (1)
Page 2 of 4

UNCLASSIFIED/FOUO

any way; he just saw [REDACTED] at the office in Kabul. [REDACTED]

[REDACTED] He contends that he was allowed to take his computer home for a computer course that he was enrolled in. Further, the Detainee stated that he did apply for a visa with his family but never used a different name. The Detainee claims that [REDACTED] approached him at his work with allegations that he was working for someone. The Detainee said he got scared and ran away, later contacting his father in Jalalabad. His father returned with the Detainee to his workplace and the Detainee was then placed into custody. The Detainee said that he was beaten and tortured and because of this, he told an American [REDACTED] and Afghans that he had provided a list of personnel assigned to the Karzai Protection Detail and the serial numbers to their weapons to a member of HIG. The Detainee was unclear when he reported this abuse but thought that it was about a year and a half ago.

As noted above, the Detainee made an allegation of physical mistreatment while he was in detention in Kabul, Afghanistan at the hands of his Afghani captors and American interrogator. The Tribunal made inquiry of the Detainee to note his statements about such alleged mistreatment. The Tribunal President has caused these allegations to be reported to the chain of command.

The Tribunal also relied on certain classified evidence in reaching its decision. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

6. Consultations with the CSRT Legal Advisor

No issues arose during the course of this hearing that required consultation with the CSRT legal advisor.

7. Conclusions of the Tribunal

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- a. The Detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed appropriate.
- b. The Detainee understood the Tribunal proceedings. He asked no questions regarding his rights and actively participated in the hearing.
- c. The Detainee is properly classified as an enemy combatant and is a member of, or affiliated with al Qaida and/or associated forces that are engaged in hostilities against the United States or its coalition partners.

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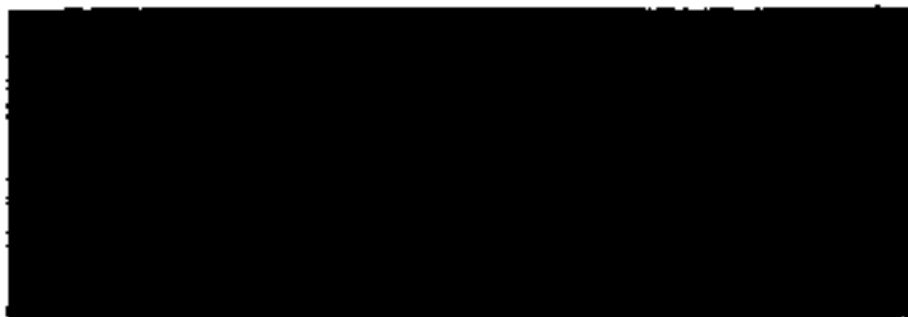
ISN [REDACTED]
Enclosure (1)
Page 3 of 4

UNCLASSIFIED//FOUO

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Army
Tribunal President

UNCLASSIFIED//FOUO

ISN 
Enclosure (1)
Page 4 of 4

31418

NOV00153

UNCLASSIFIED/FOUO

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: #27

ISN #: [REDACTED]

1. Introduction

As the Combatant Status Review Tribunal Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and is a member of, or supporting the Taliban. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal. Any classified evidence considered by the Tribunal is discussed in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee is associated with the Taliban. On 27 March 2003, a Red Cross convoy was attacked in Afghanistan, and a member of the Red Cross was murdered on the scene. Prior to the 27 March 2003 incident, authorities in the Shahwali Kot area of Afghanistan were informed of a group operating in the area with the intent to do harm to westerners. The Detainee lives in Shahwali Kot, Afghanistan. The Detainee is suspected of being a bodyguard of the individual responsible for the killing of Red Cross personnel. On 03 April 03, an individual named [REDACTED] was known to possess a satellite phone. The Detainee was captured in a creek bed by U.S. Forces on 21 April 03.

The Detainee chose to participate in the Tribunal process. He called two witnesses, requested no documents be produced, and made an oral, sworn statement. The Tribunal President found the requested witness not reasonably available, and that alternative means of producing the witness's testimony were also not reasonably available. The Detainee originally requested two letters to be presented to the Tribunal, however, after consultation with the Personal Representative, the Detainee stated that the letters did not contain any information relevant to the Detainee's allegations and the Detainee withdrew his request to have them presented. The Detainee, in his oral statement, denied being a Taliban member. The Tribunal President's evidentiary and witness rulings are explained below.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a, R-1 through R-19

UNCLASSIFIED/FOUO

ISN [REDACTED]
Enclosure (1)
Page 1 of 4

UNCLASSIFIED//FOUO

b. Testimony of the following persons: none

c. Sworn statement of the detainee

4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

The Detainee requested the following witnesses be produced for the hearing:

<u>Witness</u>	<u>President's Decision</u>	<u>Testified?</u>
[REDACTED]	not reasonably available	no*
[REDACTED]	not reasonably available	no*

* The Detainee proffered that these witnesses could state whether or not he owned a satellite phone and whether he worked as a bodyguard for anyone. It would appear that this testimony could be relevant to the Detainee's case and this request was therefore, approved. As such the Tribunal President made a request to obtain these witnesses' testimony. In accordance with standard procedures, the request was sent to the U.S. Department of State on 04 January 2005 with a follow-up on 17 January 2005. To date, the Department of State has indicated they have had no response back from the Foreign Embassy. As such, the Tribunal President determined that based on the attempt to locate and the lack of response, these witnesses are not reasonably available.

The Detainee requested no additional evidence be produced:

5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

a. The recorder offered Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 provided no usable evidence. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the Detainee's sworn testimony. A summarized transcript of the Detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee stated that he was a poor farmer and that he never carried a gun. He simply worked as a farmer and with a shovel. He was not aware of the Red Cross members that were attacked and only heard about them while at the Mosque. He had nothing on him that would indicate that he was a bodyguard. He was a poor guy with no father and no brother. There were only

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ISN [REDACTED]
Enclosure (1)
Page 2 of 4

Page 1512
UNCLASSIFIED/FOUO

[REDACTED] at his house and he had to support his family. The Detainee stated that he never had a telephone; never saw one in all of his life. At the time of his capture, that night he was sleeping and his wife and mother came to wake him up. The helicopters were circling overhead and they were afraid that something would happen to the livestock. There was a dry creek in front of the house and the when the Detainee went outside his house, he went to the creek bed and sat down. When he got up to go back inside, the three soldiers told him to put up his hands. They covered his eyes and tied his hands. He did not know why he was arrested.

The Detainee made an allegation of physical mistreatment while he was in detention in Cuba to his Personal Representative during one of his interviews. The Tribunal President, once informed of these allegations, caused these allegations to be reported to the chain of command. When the Detainee stated that he had been harshly treated, the Tribunal President asked the Detainee if he had provided all of his information to the Personal Representative to which he replied that he had. The Tribunal President then informed the Detainee that these allegations were reported to the chain of command based on the Personal Representative's report.

The Tribunal also relied on certain classified evidence in reaching its decision. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

6. Consultations with the CSRT Legal Advisor

No issues arose during the course of this hearing that required consultation with the CSRT legal advisor.

7. Conclusions of the Tribunal

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- a. The Detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed appropriate.
- b. The Detainee understood the Tribunal proceedings. He asked no questions regarding his rights and actively participated in the hearing.
- c. The Detainee is properly classified as an enemy combatant and is a member of, or affiliated with Taliban.

UNCLASSIFIED/FOUO

ISN [REDACTED]
Enclosure (1)
Page 3 of 4

31448

NOV00156

UNCLASSIFIED/FOUO

8. Dissenting Tribunal Member's Report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



COL, U.S. Army
Tribunal President

UNCLASSIFIED/FOUO

ISN [REDACTED]
Enclosure (1)
Page 4 of 4

31449

NOV00157

UNCLASSIFIED//FOUO

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: #12
ISN #: [REDACTED]**1. Introduction**

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this Detainee is properly classified as an enemy combatant and is a member of, or affiliated with, the Taliban. In reaching its conclusions, the Tribunal considered both classified and unclassified information and testimony of a witness. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal by the Recorder alleged that the Detainee had an association with the Taliban, was implicated in actions against coalition forces, and gained military experience from his service against the Russians. Specifically, the Detainee is said to have served [REDACTED] in Afghanistan when the Taliban was in power. During a raid conducted on his residence on 2 May 2003, the Detainee was apprehended in possession of assorted Taliban paraphernalia, items for making improvised explosives, and information about military posts. Additionally, he is believed to have provided weapons to the Taliban. A witness observed the Detainee discussing rocket attacks on coalition forces, as well as transporting the missiles for that purpose. He also is thought to have fired rockets at coalition forces. He gained this experience with weapons during the Russian Jihad.

The Detainee chose to participate in the Tribunal process and made a sworn verbal statement. He also called two witnesses that the Tribunal President found to be reasonably available, and these witnesses agreed to participate. The Detainee, in his sworn verbal statement, addressed all of the allegations in the unclassified summary of evidence (Exhibit R-1). Specifically, he corrected the statement about being [REDACTED]

[REDACTED] He denied receiving formal military training during the Russian Jihad, and also denied all other allegations. He expressed his opinion that he hated the Taliban government as much as the Russians. He also stated that he was a carpenter during the Taliban regime and became [REDACTED] after the fall of the Taliban.

UNCLASSIFIED//FOUO

ISN [REDACTED]
Enclosure (1)
Page 1 of 4

UNCLASSIFIED//FOUO

The first witness, ISN [REDACTED] testified that he was "just a goat keeper," that the Detainee was a carpenter that he knew for maybe 2-3 years in Afghanistan and they met maybe 4-6 times. He never knew the Detainee to carry weapons. The second witness, ISN [REDACTED] testified that he saw the Detainee after the fall of the Taliban regime and he said the Detainee was not Taliban. He emphasized this by saying, "if he were, he wouldn't have got hired [REDACTED] ISN# [REDACTED] also stated that he never knew the Detainee to carry weapons.

Additionally, during the Tribunal hearing, the Detainee complained that he needed medical attention due to various ailments. He claimed that the source of these ailments was due to severe beatings he received over 2 days after being apprehended by U.S. forces in May 2003 in Afghanistan. On the Detainee Election Form (Exhibit D-a), and during his tribunal testimony, he claimed pain in his ribs, arms, abdomen and legs and he feared permanent damage to his testicles. He claims an X-ray or some other scan would reveal the extent of the damage but that he has not received one. He further stated that medical personnel have visited him in the past but they just have given him tablets that are ineffective. It appears he has made frequent requests for medical treatment. In any event, the Tribunal President directed the Personal Representative to contact the medical personnel in charge of the Detainee medical treatment to request that on their next visit, they provide the Detainee special consideration for any problems he may have been experiencing. Because this information including allegations of mistreatment and/or misconduct, it was also provided to the Criminal Investigation Task Force on 20 November 2004 for appropriate investigation, coordination with Joint Task Force Guantanamo, and disposition as appropriate. See additional comments concerning the Detainee's medical condition in Enclosure (2) to the CSRT Decision Report.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a and R-1 through R-12.
- b. Testimony of the following previously approved witnesses:
 1. ISN [REDACTED]
 2. ISN [REDACTED]
- c. Sworn statement of the Detainee.

4. Rulings by the Tribunal on Detainee Requests for Evidence

The Detainee did not request any additional evidence or documents.

UNCLASSIFIED//FOUO

ISN [REDACTED]
Enclosure (1)
Page 2 of 4

UNCLASSIFIED//FOUO**5. Discussion of Unclassified Evidence**

The Tribunal considered the following unclassified evidence in making its determinations:

a. The Recorder offered Exhibit R-1 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this Exhibit is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the Detainee's sworn testimony and the witnesses. A summarized transcript of the Detainee and witness's sworn testimony is attached as CSRT Decision Report Enclosure (3).

The Tribunal also relied on certain classified evidence in reaching its decision. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

6. Consultations with the CSRT Legal Advisor

No issues arose during the course of this hearing that required consultation with the CSRT legal advisor.

7. Conclusions of the Tribunal

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

a. The Detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was requested or deemed necessary, other than the matters discussed above in paragraph 2.

b. The Detainee understood the Tribunal proceedings. He asked no questions regarding his rights and actively participated in the proceedings.

c. The Detainee is properly classified as an enemy combatant because he is a member of, or affiliated with, the Taliban, which is engaged in hostilities against the United States and its coalition partners.

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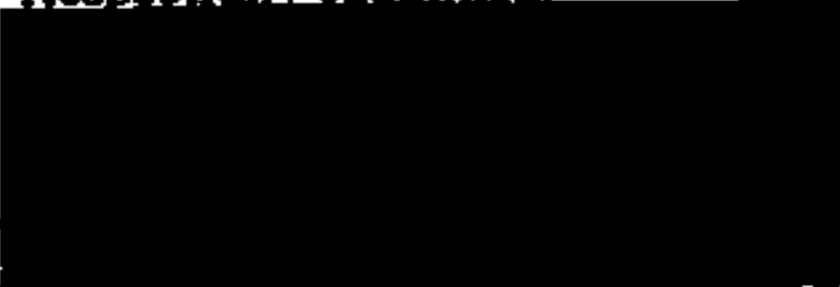
ISN [REDACTED]
Enclosure (1)
Page 3 of 4

UNCLASSIFIED//FOUO

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

A large black rectangular redaction box covering the signature area.

Colonel, U.S. Marine Corps
Tribunal President

UNCLASSIFIED//FOUO

ISN [REDACTED]
Enclosure (1)
Page 4 of 4

31453

NOV00161

UNCLASSIFIED//FOUO

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: #13
ISN #: [REDACTED]

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this Detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al Qaida. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee is associated with al Qaida. The Detainee is a suspected terrorist with ties to the Algerian Armed Islamic Group (GIA) and is suspected of having links to al Qaida. The Detainee is a former employee of the Red Crescent Society and attended meetings in Sarajevo for Algerians working for non-government organizations in Bosnia. The Detainee is an associate of a known al Qaida operative in Bosnia. The Detainee is also known as Sharfuldin or Sharuldin. The Detainee chose to participate in the Tribunal process. He called four witnesses, one of whom was found to be not reasonably available. The Detainee did not request any documents be produced, and made a sworn verbal statement. The Tribunal President found 3 of the requested witnesses reasonably available. With regard to the witness found not reasonably available, the Tribunal President also found that alternative means of producing the witness's testimony were also not reasonably available, in that the requested witness could not be located by the U.S. Department of State in time for the Tribunal. The Detainee, in his verbal statement, denied being a terrorist, associated with al Qaida and a member of GIA. The witnesses called by the Detainee testified that the Detainee was not a terrorist, but rather was an upright man who worked with orphans in Bosnia through the Red Crescent organization. The Tribunal President's evidentiary and witness rulings are explained below.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a and R-1 through R-33.

UNCLASSIFIED//FOUO

ISN # [REDACTED]
Enclosure (1)
Page 1 of 5

31544

NOV00162

UNCLASSIFIED//FOUO

b. Testimony of the following persons:

1. [REDACTED] (ISN [REDACTED])
2. [REDACTED] (ISN [REDACTED])
3. [REDACTED] (ISN [REDACTED])

c. Sworn statement of the Detainee.

4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

The Detainee requested the following witnesses be produced for the hearing:

<u>Witness</u>	<u>President's Decision</u>	<u>Testified?</u>
[REDACTED]	reasonably available	yes
[REDACTED]	reasonably available	yes
[REDACTED]	reasonably available	yes
Mohmoud Sayed Yousef	not reasonably available	no

Mohmoud Sayed Yousef was proffered by the Detainee as the Detainee's supervisor in the Red Crescent in Bosnia who would testify, if called, to the Detainee's work with the Red Crescent, the Detainee's good character and that he had no knowledge of any association by the Detainee with any terrorist organizations. While determined to be relevant, the Tribunal President found that the witness was not reasonably available in that after a period of reasonable diligence the Department of State could not locate the witness in Bosnia or in any other location based on the limited information and identifiers provided by the Detainee to locate the witness.

The Detainee requested no additional evidence be produced.

5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

a. The recorder offered Exhibits R-1, R-2 and R-3 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 contains an affidavit of the Detainee's wife, [REDACTED] submitted in the habeas corpus proceedings pending in the United States District Court for the District of Columbia seeking the release of the Detainee and [REDACTED] (ISN [REDACTED]). [REDACTED] averred that the Detainee was an employee of the Red Crescent in Bosnia, was wrongly accused but

UNCLASSIFIED//FOUO

ISN [REDACTED]
Enclosure (1)
Page 2 of 5

31545

NOV00163

UNCLASSIFIED//FOUO

released by Bosnian authorities and then abducted by American agents, and is not a terrorist. Exhibit R-3 purports to be a Petition for a Writ of Habeas Corpus seeking the release of the Detainee and [REDACTED]. The copy presented to the Tribunal does not bear a docket number and is unsigned, but is dated 08 July 2004. Exhibit R-3 appears to be based on the affidavit of the Detainee's wife and other sources and sets forth legal arguments supporting the issuance of the writ. The Tribunal noted the allegations contained in the Petition but did not find them persuasive to the question of the Detainee's status as an enemy combatant. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence and to provide further light on the allegations contained in the writ pleadings.

b. The Tribunal also considered the Detainee's sworn testimony and the sworn testimony provided by the three detainee witnesses. A summarized transcript of the Detainee's sworn testimony and the sworn testimony of the witnesses is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee and the witnesses testified as follows:

(1) The Detainee: The Detainee appreciated the opportunity to address the allegations and the freedom to speak to the Tribunal and defend himself. The Detainee stated the reason he is being held in Cuba is because of charges brought against him in Bosnia related to an intent to plan an attack on the US Embassy. He was in prison in Bosnia for 3 months; that he was the victim of a political game without any intention to carry out an attack on the US Embassy; that if there were any truth to these allegations he would not have been taken by the Bosnians but would have been taken directly by the Americans and that this is proof of a political game. After 3 months in prison, Bosnia TV aired the fact that he was found innocent in the Bosnian court and to live free without conditions. The Detainee claimed that the acquittal was in his pocket when he was arrested; that he was surprised to be taken by the Americans; that his hands and feet were bound and he received the worst treatment of his life being without food, water and sleep for 36 hours. Since he's been in Cuba for 3 years, no one has ever asked him about the US Embassy. The Detainee maintains that he has cooperated with interrogators and has discussed the charity organizations but now finds himself faced with the strange accusation that he is al Qaida. He states that he only knows about al Qaida through the media and that it is an organization that kills innocent people. The Detainee believes that Islam is innocent of such acts and that he has lived his life as a good person as he was brought up by his father and that his heart doesn't allow for hatred; that his business was taking care of orphans. He stated that since over 70% of al Qaida has been caught, why can't any of them identify him. He believes that GIA is a terrorist group and if he were a member of that group, the Algerian government would know it and that the Algerian government told the Bosnia government that Algeria did not have him as a terrorist in Algeria. The Detainee stated that he worked for the Red Crescent; that it is not an NGO; that he worked outside of Sarajevo; that he met many people who worked in Red Crescent who can say what he did; that Sharfuldin is his other name and it is normal to have other names. Finally, the Detainee asserted his innocence in terrorism and that he has been wrongly accused.

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ISN # [REDACTED]
Enclosure (1)
Page 3 of 5

31546

NOV00164

UNCLASSIFIED//FOUO

The Tribunal President inquired about the alleged mistreatment of the Detainee after he came into US custody. The Detainee stated that it was harsh but that he wanted to just let it go; that his treatment and the conditions have become better in the last year and that he was ill when he first arrived in Cuba and received some treatment but that his condition was untreated for some time after he arrived. The Tribunal President noted these statements for the record and caused a report of these allegations to be made through the chain of command.

(2) [REDACTED]: This witness stated that he would speak for the Detainee if the Detainee wanted him to, but that his lawyer said he should not speak to a tribunal. The Detainee asked the witness to testify for him and the witness agreed. The witness testified that he knows the Detainee like he knows his own pocket; that he knows his wife and children and that if the Detainee has anything to do with terrorists then the witness is a terrorist himself; and that if the Detainee were sentenced for terrorism then the witness would stay with him. The witness stated that he never knew the Detainee to be a member of GIA or involved in terrorism in any way; that he has known the Detainee since 1995 or 1996 and that he knows him as well as he knows his own wife and kids.

(3) [REDACTED]: This witness testified that the allegations that the Detainee is associated with al Qaida, the GIA and terrorists are all lies; that he has known the Detainee since they were in Albania and has never known him to be a terrorist; that he and the Detainee worked together in the Red Crescent in Bosnia; that he has known him since 1994.

(4) [REDACTED]: This witness testified that he would tell the truth about the Detainee and stated that all the accusations were false; that the Detainee is not a terrorist and is not part of GIA; that all he has ever known about the Detainee were good things since he met the Detainee in 1997; that the Detainee is concerned about his family and work and never broke the law; that if the Detainee is a terrorist then the witness is a terrorist too.

The Tribunal also relied on certain classified evidence in reaching its decision. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

6. Consultations with the CSRT Legal Advisor

No issues arose during the course of this hearing that required consultation with the CSRT legal advisor.

7. Conclusions of the Tribunal

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

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ISN # [REDACTED]
Enclosure (1)
Page 4 of 5

31547

NOV00165

UNCLASSIFIED//FOUO

- a. The Detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The Detainee understood the Tribunal proceedings. He actively participated in the proceedings, provided his own testimony and examined the witnesses called by him.
- c. The Detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al Qaida and was part of or supporting al Qaida.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,


Colonel, U.S. Army
Tribunal President

UNCLASSIFIED//FOUO

ISN # 
Enclosure (1)
Page 5 of 5

31548

NOV00166

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Allegations of Abuse at
Guantanamo Bay since
January 2002 that have been
reported through the CSRT
process

17

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1242A

NOV00167



DEPARTMENT OF DEFENSE
HEADQUARTERS, JOINT TASK FORCE GUANTANAMO
U.S. NAVAL BASE, GUANTANAMO BAY, CUBA
APO AE 09380

JTF GTMO-SJA

26 July 2004

MEMORANDUM FOR Office of the Judge Advocate General, U.S. Army

SUBJECT: NJP Data for Detainee-Related Offenses

1. In response to your request for information, we searched our NJP records for the period of time from 1 October 2001 through 9 July 2004. Our search located a total of 6 such records. They are as follows.

a. [REDACTED] 26 June 04.

- 1) Date of incident: 4 January 2004; 18 January 2004
- 2) Location of incidents: Guantanamo
- 3) Location code: Guantanamo Bay, [REDACTED]
- 4) During or result of interrogation: N
- 5) Name of detainee: Not releasable in unclassified document
- 6) Detainee tag IDs: ISN [REDACTED] ISN [REDACTED]
- 7) Autopsy date: N/A
- 8) Name of soldier punished: [REDACTED]
- 9) Unit of soldier: 661st MP Co., JDOG, JTF-GTMO
- 10) Component: NG
- 11) Offense types: 4 January 2004 -- assault consummated by battery-splashing a detainee in the face with pine oil; 18 January 2004 -- verbal harassment
- 12) Name of officer imposing punishment: [REDACTED]
- 13) Position of officer imposing punishment: Commander, Joint Detention Operations Group, JTF-GTMO
- 14) Punishment imposed: Not guilty on verbal harassment offense. Guilty on assault offense. Reduction to E-1, forfeiture of \$150.00 pay per month for two months.
- 15) CID case number: N/A
- 16) Status of investigation: closed
- 17) Comments/Remarks: none
- 18) Point of contact: [REDACTED]

b. [REDACTED] 29 April 03

- 1) Date of incident: 10 April 2003
- 2) Location of incident: Guantanamo
- 3) Location code: Guantanamo Bay, [REDACTED]
- 4) During or result of interrogation: N
- 5) Name of detainee: Not releasable in unclassified document
- 6) Detainee tag ID: ISN [REDACTED]

1382

- 7) Autopsy date: N/A
8) Name of soldier punished: [REDACTED]
9) Unit of soldier: 132nd MP Co., JDOG, JTF-GTMO
10) Component: NG
11) Offense type: assault consummated by battery-struck a shackled detainee with his fist.
12) Name of officer imposing punishment: [REDACTED]
13) Position of officer imposing punishment: Commander, Joint Detention Operations Group, JTF-GTMO
14) Punishment imposed: Reduction to E-3, 45 days extra duty
15) CID case number: N/A
16) Status of investigation: closed
17) Comments/Remarks: none
18) Point of contact: [REDACTED]

c. [REDACTED] 1 May 2003

- 1) Date of incident: 10 April 2003
2) Location of incident: Guantanamo
3) Location code: Guantanamo Bay, [REDACTED]
4) During or result of interrogation: N
5) Name of detainee: Not releasable in unclassified document
6) Detainee tag ID: ISN [REDACTED]
7) Autopsy date: N/A
8) Name of soldier accused: [REDACTED]
9) Unit of soldier: 132nd MP Co., JDOG, JTF-GTMO
10) Component: NG
11) Offense type: dereliction, by improper supervision of [REDACTED] (see para. 1.b., above).
12) Name of officer acting: [REDACTED]
13) Position of officer acting: Commander, Joint Detention Operations Group, JTF-GTMO
14) Punishment imposed: none - case dismissed
15) CID case number: N/A
16) Status of investigation: closed
17) Comments/Remarks: none
18) Point of contact: [REDACTED]

d. [REDACTED] 26 June 2003

- 1) Date of incident: 26 March 2003
2) Location of incident: Guantanamo
3) Location code: Guantanamo Bay, [REDACTED]
4) During or result of interrogation: N
5) Name of detainee: unknown

- 6) Detainee ID tag: unknown - resident of cell [REDACTED] 26 March 2003
- 7) Autopsy date: N/A
- 8) Name of soldier accused: [REDACTED]
- 9) Unit of soldier: 984th MP Co., JDOG, JTF-GTMO
- 10) Component: AD
- 11) Offense type: assault - spraying Oleoresin Capsicum (pepper spray) on detainee.
- 12) Name of officer offering acting: [REDACTED]
- 13) Position of officer acting: Commander, Joint Detention Operations Group, JTF-GTMO
- 14) Punishment imposed: none - soldier refused NJP, tried by SPCM, acquitted
- 15) CID case number: N/A
- 16) Status of investigation: closed
- 17) Comments/Remarks: none
- 18) Point of contact: [REDACTED]

e. [REDACTED] 18 October 2002

- 1) Date of incident: 17 September 2002
- 2) Location of incident: Guantanamo
- 3) Location code: Guantanamo Bay, [REDACTED]
- 4) During or result of interrogation: N
- 5) Name of detainee: unknown
- 6) Detainee ID tag: unknown - resident of [REDACTED] 17 September 2002
- 7) Autopsy date: N/A
- 8) Name of soldier punished: [REDACTED]
- 9) Unit of soldier: 239th MP Co.
- 10) Component: NG
- 11) Offense type: assault - attempting to spray detainee with water hose
- 12) Name of officer imposing punishment: [REDACTED]
- 13) Position of officer imposing punishment: Commander, 239th MP Co.
- 14) Punishment imposed: reduction to E-3; 7 days restriction, suspended
- 15) CID case number: N/A
- 16) Status of investigation: closed
- 17) Comments/Remarks: none
- 18) Point of contact: [REDACTED]

f. [REDACTED] 8 June 2002

- 1) Date of incidents: between 29 April 2002 and 1 June 2002
- 2) Location of incidents: Guantanamo
- 3) Location code: Guantanamo Bay, [REDACTED]
- 4) During or result of interrogation: N
- 5) Name of detainee: unknown
- 6) Detainee ID tag: unknown
- 7) Autopsy date: N/A

1383A

- 8) Name of soldier punished: [REDACTED]
9) Unit of soldier: 401st MP Co.
10) Component: AD
11) Offense type: violation of JTF-GTMO GO1 - photographing detainees and detention facility
12) Name of officer imposing punishment: [REDACTED]
13) Position of officer imposing punishment: Commander, 401st MP Co.
14) Punishment imposed: 14 days restriction, 14 days extra duty
15) CID case number: N/A
16) Status of investigation: closed
17) Comments/Remarks: none
18) Point of contact: [REDACTED]
[REDACTED]

[REDACTED]
Deputy Staff Judge Advocate

1383B

DETAINEE INFORMATION MANAGEMENT SYSTEM (DIMS) Guantanamo Bay, Cuba User: s2user ☒

Facilities | Movement Orders | Detainees | Requests | Operations | Administration | Tools | SOP | Help



Detainee ISN

Search

GTMO

DETAINEE REPORT

5D8351FC

1. TO COMMANDER or DESIGNATED REPRESENTATIVE
CDR, JDOG

2. DATE
24AUG2004 1408L

3. TYPE OF REPORT: (Check One)
REPORT OF DISCIPLINARY INFRACTION

4. STATUS
REFER FOR DISCIPLINARY ACTION

5. DETAINEE'S NAME: (Last, First, MI)

6. ISN

7. DETAINEE LOCATION
GTMO

8. INCIDENT

04-ACT HOSTILE OR THREATENING TO A DETAINEE

9. REPORT

ON 24 AUGUST 2004 AT APPROXIMATELY 1145 DETAINEE CELL [REDACTED] WAS IN THE LEFT YARD WITH DETAINEE CELL [REDACTED] SHORTLY AFTER THEY WERE PLACED IN THE RECREATION YARD THE TWO DETAINEES STARTED TO ARGUE [REDACTED] THEN PUNCHED [REDACTED] AND THEN [REDACTED] GRABBED THE BEARD OF [REDACTED] THE MPS ORDERED THEM TO STOP AND TOLD [REDACTED] TO GO TO THE BACK OF THE RECREATION YARD SO THEY COULD SHACKLE [REDACTED] AND REMOVE HIM FROM THE RECREATION YARD. AS THEY BEGAN TO SHACKLE [REDACTED] DETAINEE [REDACTED] RAN AND KICKED [REDACTED] IN THE RIBS. THE MPS TOLD [REDACTED] TO GO TO THE BACK OF THE RECREATION YARD AGAIN AND THEN [REDACTED] WAS REMOVED FROM THE REC. YARD. CORPSMAN WAS CALLED AND CLEARED BOTH DETAINEES. [REDACTED] SAYS THAT [REDACTED] WAS TALKING ABOUT HIS FAMILY AND HARASSING HIM PREVIOUSLY WHILE HE WAS PRAYING AND CONTINUED TO HARASS HIM IN THE RECREATION YARD AND THAT IS WHY HE ASSAULTED [REDACTED] Incident No: NA. Reporting Unit: JDOG.

10. WITNESS

11. WAS DETAINEE INFORMED (Check One)
NO

12. ACTION TAKEN BY COMPOUND NCO:

13. ACTION(s) & RECOMMENDATION(s) OF GUARD COMMANDER:

14. RECOMMENDATIONS BY CHIEF, DETAINEE OPERATIONS BRANCH:

15. ACTION TAKEN BY SUPERINTENDENT:

16. ACTIONS

02-Segregation (Complete)
01-Loss of CI (Complete)

17. REPORTING PERSON

18. PERSON SSN

19. PERSON GRADE

1224

NOV00172

DMS Observation/Disciplinary Report Form

OK

1385

NOV00173

DETAINEE INFORMATION MANAGEMENT SYSTEM (DIMS) Guantanamo Bay, Cuba User: a2user ☒

Facilities | Movement Orders | Detainees | Requests | Operations | Administration | Tools | SOP | Help

Home | Search | Add New | Edit | Delete | Print | Refresh | Back | Forward | Stop | Reload | Full Screen | Help

Detainee ISN

Search

GTMO

DETAINEE REPORT

720909FA

1. TO COMMANDER or DESIGNATED REPRESENTATIVE
CDR, JDOG

2. DATE
24AUG2004 1928L

3. TYPE OF REPORT: (Check One)
SIR

4. STATUS
MEMORANDUM FOR RECORD

5. DETAINEE'S NAME: (Last, First, MI)

6. ISN

7. DETAINEE LOCATION
GTMO

8. INCIDENT
Assault on Detainee

9. REPORT

AT APPROX. 1145 HRS, 24 AUG 04, DETAINEES ISN [REDACTED] IN CELL [REDACTED] AND ISN [REDACTED] IN CELL [REDACTED] WERE IN THE LEFT REC YARD OF [REDACTED] DURING REC TIME. SOON THE TWO BEGAN TO ARGUE WITH EACH OTHER AND DETAINEE ISN [REDACTED] PUNCHED DETAINEE ISN [REDACTED] IN THE FACE WITH A CLOSED FIST. DETAINEE ISN [REDACTED] RETALIATED BY GRABBING THE BEARD OF ISN [REDACTED] AND STRUCK HIM WITH A FIST. MP'S TOLD THE DETAINEES TO STOP FIGHTING AND TO MOVE AWAY FROM EACH OTHER. AS THE MP'S BEGAN SHACKLING ISN [REDACTED] FROM REMOVAL FROM THE YARD, DETAINEE ISN [REDACTED] RAN TOWARD ISN [REDACTED] AND STRUCK HIM. AS HE FELL TO THE GROUND, HE WAS KICKED IN THE RIBS BY ISN [REDACTED]. THE MP'S ORDERED DETAINEE ISN [REDACTED] TO THE BACK OF THE YARD TO WHICH HE COMPLIED. A CORPSMAN AND INTERPRETER WERE CALLED TO THE BLOCK TO CHECK THE DETAINEES FOR INJURIES AND DETERMINE WHY THERE WERE FIGHTING. DETAINEE ISN [REDACTED] SAID HE BECAME ANGRY AFTER ISN [REDACTED] BOTHERED HIM DURING HIS PRAYER TIME, SAID BAD WORDS TO HIM AND WAS TALKING BAD ABOUT HIS FAMILY. THERE WERE NO POSSIBLE INJURIES TO THE DETAINEES. DETAINEE ISN [REDACTED] WAS MOVED TO [REDACTED] Incident No: [REDACTED]

10. WITNESS

11. WAS DETAINEE INFORMED (Check One)
YES

12. ACTION TAKEN BY COMPOUND NCO:

13. ACTION(s) & RECOMMENDATION(s) OF GUARD COMMANDER:

14. RECOMMENDATIONS BY CHIEF, DETAINEE OPERATIONS BRANCH:

15. ACTION TAKEN BY SUPERINTENDENT:

16. ACTIONS

04-Issued 508 (Complete)

17. REPORTING PERSON

18. PERSON SSN

19. PERSON GRADE



DMS Observation/Disiplinary Report Form

OK

1297

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Home | Logout | Print | Refresh | Back | Forward | Stop | Reload | Search | Help | About

Detainee ISN

Search

GTMO

DETAINEE REPORT

82708E55

1. TO COMMANDER or DESIGNATED REPRESENTATIVE

CDR, JDOG

2. DATE

28MAR2004 1429L

3. TYPE OF REPORT: (Check One)

REPORT OF DISCIPLINARY INFRACTION

4. STATUS

REFER FOR DISCIPLINARY ACTION

5. DETAINEE'S NAME: (Last, First, MI)

6. ISN

7. DETAINEE LOCATION

GTMO

8. INCIDENT

06-THROW/WATER/FOOD ON/AT DETAINEE

9. REPORT

ON 28 MARCH 2004, AT APPROXIMATELY 1024HRS, DETAINEE ISN# [REDACTED]
THREW WATER ON DETAINEE [REDACTED] Incident No: NA. Reporting Unit: 273rd MP Co.

10. WITNESS

11. WAS DETAINEE INFORMED (Check One)

NO

12. ACTION TAKEN BY COMPOUND NCO:

13. ACTION(s) & RECOMMENDATION(s) OF GUARD COMMANDER:

14. RECOMMENDATIONS BY CHIEF, DETAINEE OPERATIONS BRANCH:

15. ACTION TAKEN BY SUPERINTENDENT:

16. ACTIONS

02-Segregation (Complete)

01-Loss of CI (Complete)

17. REPORTING PERSON

18. PERSON SSN

19. PERSON GRADE

NOV00176

DMS Observation/Disciplinary Report Form

OK

1389

NOV00177

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Detainee IDN

Search

GTMO

DETAINEE REPORT

82C40D8F

1. TO COMMANDER or DESIGNATED REPRESENTATIVE
CDR, JDOG

2. DATE
22NOV2003 1639L

3. TYPE OF REPORT: (Check One)
REPORT OF DISCIPLINARY INFRACTION

4. STATUS
REFER FOR DISCIPLINARY ACTION

5. DETAINEE NAME: (Last, First, MI)

6. IDN

7. DETAINEE LOCATION
GTMO

8. INCIDENT
08- SIMPLE ASSAULT

9. REPORT
ON 22 NOV 2003 AT 1437 HRS DETAINEE IN CELL [REDACTED] ASSAULTED
THE DETAINEE IN CELL [REDACTED] GRABBED [REDACTED] THREW THE BEAN
HOLE WHILE THEY WERE OUT IN THE SHOWER AND REC YARD PULLED HIM TO THE
BEAN HOLE AND SPIT IN HIS FACE. Incident No: NA. Reporting Unit: 258th MP Co.

10. WITNESS

11. WAS DETAINEE INFORMED (Check One)
NO

12. ACTION TAKEN BY COMPOUND NCO:

13. ACTION(s) & RECOMMENDATION(s) OF GUARD COMMANDER:

14. RECOMMENDATIONS BY CHIEF, DETAINEE OPERATIONS BRANCH:

15. ACTION TAKEN BY SUPERINTENDENT:

16. ACTIONS
02-Segregation (Complete)
01-Loss of CI (Complete)

17. REPORTING PERSON

18. PERSON SSN

19. PERSON GRADE

1390

NOV00178

DMS Observation/Disiplinary Report Form

OK

1391

NOV00179

[Facilities](#) | [Movement Orders](#) | [Datafeeds](#) | [Requests](#) | [Operations](#) | [Administration](#) | [Tools](#) | [SOP](#) | [Help](#)

Details: ISN Search GTMO

B4F564A5

2. DATE
19SEP2004 2005L

4. STATUS
REFER FOR DISCIPLINARY ACTION

1. 1994

7. DETAINEE LOCATION
GTMO

8. INCIDENT
07-HITTING/KICKING AN DETAINEE

ON 9-18-2004, DETAINEE ISN [REDACTED] ACCUSED DETAINEE ISN [REDACTED] OF COMMUNICATING THREATS OF PHYSICAL HARM AS WELL AS LYING TO THE INTERROGATORS TO GET HIM AS WELL AS ISN [REDACTED] OUT OF [REDACTED] DETAINEE [REDACTED] DID NOT CORROBERATED THIS, BUT DETAINEE [REDACTED] WAS MOVED TO [REDACTED] FOR THE NIGHT. ON 9-19-2004, ALL 3 DETAINEES WERE QUESTIONED BY THEIR INTERROGATORS ABOUT THAT INCIDENT, AND ALL 3 INCLUDING [REDACTED] DENIED THAT [REDACTED] HAD MADE ANY THREATS OF PHYSICAL HARM. ON 9-19-2004 AT APPROXIMATELY 1630HRS., DETAINEE [REDACTED] AND [REDACTED] WERE INVOLVED IN A PHYSICAL ALTERCATION. THE ALTERCATION WAS BROKEN UP THRU THE USE OF VERBAL DIRECTION AND THE ASSISTANCE OF DETAINEE ISN [REDACTED] WAS SECURED IN [REDACTED] AND [REDACTED] WAS SECURED IN [REDACTED] MEDICAL STAFF CHECKED BOTH DETAINEES [REDACTED] HAD MINOR SWELLING TO THE RIGHT SIDE OF HIS HEAD. [REDACTED] HAD A SMALL BRUISE TO THE KNUCKLE AREA OF HIS LEFT HAND. WHEN QUESTIONED ABOUT THE INCIDENT BY THE NCOIC, EACH DETAINEE STATED THAT THE OTHER HAD STARTED THE ALTERCATION. BASED ON THE ALLEGED THREATS AND THE SUBSEQUENT ALTERCATION, RECOMMEND BOTH DETAINEES [REDACTED] AND [REDACTED] FOR REMOVAL FROM [REDACTED] Incident No: NA. Reporting Unit: 491st MP Co.

10. WITNESSES

11 WAS DETAINEE INFORMED (Check One)
NO

12. ACTION TAKEN BY COMPOUND NCO:

13. ACTION(S) & RECOMMENDATION(S) OF GUARD COMMANDER:

14. RECOMMENDATIONS BY CHIEF, DETAINEE OPERATIONS BRANCH:

15. ACTION TAKEN BY SUPERINTENDENT:

18. ACTIONS
02-Segregation (Complete)

01-Loss of CI (Complete)

18. REPORTING PERSON

CAMP 4 NCOIC

DMS Observation/Disciplinary Report Form

18. PERSON SSN

19. PERSON GRADE

OK

1393

NOV00181

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Facilities | Movement Orders | Detainees | Requests | Operations | Administration | Tools | SOP | Help



Detainee IDN

Search

GTMO

DETAINEE REPORT

87D1B9A4

1. TO COMMANDER or DESIGNATED REPRESENTATIVE
CDR, JDOG2. DATE
30 APR 2004 2100L3. TYPE OF REPORT: (Check One)
REPORT OF DISCIPLINARY INFRACTION4. STATUS
REFER FOR DISCIPLINARY ACTION

5. DETAINEE NAME (Last, First, MI)

6. NAME

7. DETAINEE LOCATION
GTMO8. INCIDENT
10-AGGRAVATED BATTERY ON A DETAINEE

9. REPORT

DETAINEE [REDACTED] WAS INVOLVED IN A HEATED DISCUSSION WITH ENTIRE BAY AT APPROXIMATELY 2000 HRS ON 30 APRIL 2004. AT ONE POINT [REDACTED] RAISED HIS VOICE OVER THE OTHERS, AND THE BAY GREW QUIET. APPROXIMATELY TEN MINUTES LATER, THE SOUND OF SOMETHING HITTING THE BAY WALL LOUDLY COULD BE HEARD FROM OBSERVER 3'S POSITION. THE BAY HAD BY THIS TIME CROWDED BY BEDS 7 AND 8, AND WAS TRYING TO PULL [REDACTED] FROM [REDACTED] NCO, [REDACTED] AND THE SOC, [REDACTED] WERE IMMEDIATELY CONTACTED AND ON SCENE. [REDACTED] WAS INSTRUCTED TO WATCH [REDACTED] 1 ON THE MAIN MONITOR. AFTER MANY DETAINEES ATTEMPTED TO RESTRAIN [REDACTED] 2 OTHER DETAINEES TOOK [REDACTED] IN THE LATRINE, IN ORDER TO CALM HIM AND KEEP HIM OUT OF HARMS WAY. [REDACTED] THREW WHAT APPEARED TO BE A FLIP-FLOP AT [REDACTED] WHEN HE APPEARED OUT OF THE LATRINE. THE CALL TO PRAYER WAS PLAYED AT 2038, AND THIS APPEARED TO CALM [REDACTED] DOWN. AS THE BLOCK BEGAN TO PREPARE, [REDACTED] PRAYED BY HIMSELF, AND DID NOT TAKE ANY FURTHER ANTAGONISTIC ACTIONS TOWARDS [REDACTED] OR ANYONE ELSE IN THE BAY FOR THE REMAINDER OF THE SHIFT OF OBSERVER 3. Incident No: NA. Reporting Unit: 384th MP Bn.

10. WITNESS

11. WAS DETAINEE INFORMED (Check One)
NO

12. ACTION TAKEN BY COMPOUND NCO:

13. ACTION(s) & RECOMMENDATION(s) OF GUARD COMMANDER:

14. RECOMMENDATIONS BY CHIEF, DETAINEE OPERATIONS BRANCH:

15. ACTION TAKEN BY SUPERINTENDENT:

16. ACTIONS

02-Segregation (Complete)

1294

NOV00182

01-Loss of CI (Complete)

17. REPORTING PERSON

DMS Observation/Disciplinary Report Form

18. PERSON SSN

19. PERSON GRADE

OK

1395

NOV00183

[Facilities](#) · [Movement Orders](#) · [Delinques](#) · [Requests](#) · [Operations](#) · [Administration](#) · [Tools](#) · [SOP](#) · [Help](#)




































Database ISBN

Search

GTMO

8D9E23A1

2. DATE
25NOV2004 1723L

3. TYPE OF REPORT: (Check One)
REPORT OF DISCIPLINARY INFRACTION

4. STATUS
REFER FOR DISCIPLINARY ACTION

5. DETAINEE'S NAME: (Last, First, MI)

7. DETAINEE LOCATION
GTMO

8. INCIDENT

06-FIGHTING

9. REPORT

ON 11-25-2004 AT APPROXIMATELY 1550 HRS, DETAINEE [REDACTED] WAS INVOLVED IN A PHYSICAL ALTERCATION WITH DETAINEE [REDACTED] WHICH STARTED OVER AN ARGUMENT REGARDING PRAYER CALL. BOTH DETAINEES WERE ORDERED TO STOP ARGUING AND TO SEPERATE, WHICH THEY DID. [REDACTED] THREW A PIECE OF FRUIT AT [REDACTED] THEN STRUCK [REDACTED] IN THE LEFT SIDE OF THE HEAD WITH HIS RIGHT FIST. DETAINEES THEN SEPERATED, WERE REMOVED FROM THE BAY AND PLACED INTO SEPERATE COMPOUND REC YARDS PENDING MOVEMENT OUT OF [REDACTED] AND SUBSEQUENTLY MOVED TO [REDACTED]. MEDICAL CORPSMAN WAS REQUESTED AND CHECKED BOTH DETAINEES. [REDACTED] HAD A SWOLLEN REDENED AREA ON THE LEFT SIDE OF HIS HEAD. [REDACTED] HAD A SWOLLEN AREA AROUND THE KNUCKLES OF HIS RIGHT HAND. Incident No: NA. Reporting Unit: JDOG.

10. WITNESS

11 WAS DETAINEE INFORMED (Check One)
NO

12. ACTION TAKEN BY COMPOUND NCO:

13. ACTION(S) & RECOMMENDATION(S) OF GUARD COMMANDER:

14. RECOMMENDATIONS BY CHIEF, DETAINEE OPERATIONS BRANCH:

15. ACTION TAKEN BY SUPERINTENDENT:

1E. ACTIONS

02-Segregation (Complete)
01-Loss of Cl (Complete)

17. REPORTING PERSON

1B. PERSON S/N

19. PERSON GRADE

DMS Observation/Disciplinary Report Form

OK

1397

NOV00185

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Detainee ISN

Search

GTMO

DETAINEE REPORT

95A27793

1. TO COMMANDER or DESIGNATED REPRESENTATIVE
CDR, JDOG

2. DATE
02JAN2004 1029L

3. TYPE OF REPORT: (Check One)
REPORT OF DISCIPLINARY INFRACTION

4. STATUS
REFER FOR DISCIPLINARY ACTION

5. DETAINEE'S NAME: (Last, First, MI)

6. ISN

7. DETAINEE LOCATION
GTMO

8. INCIDENT
07-HITTING/KICKING AN DETAINEE

9. REPORT
ON 02 JAN. 2004, AT APPROX. 0805 HRS., DETAINEE [REDACTED] HIT
ANOTHER DETAINEE WITH CLOSED FIST. Incident No: NA. Reporting Unit: 217th MP Co.

10. WITNESS

11. WAS DETAINEE INFORMED (Check One)
NO

12. ACTION TAKEN BY COMPOUND NCO:

13. ACTION(s) & RECOMMENDATION(s) OF GUARD COMMANDER:

14. RECOMMENDATIONS BY CHIEF, DETAINEE OPERATIONS BRANCH:

15. ACTION TAKEN BY SUPERINTENDENT:

16. ACTIONS
02-Segregation (Complete)
01-Loss of CI (Complete)

17. REPORTING PERSON

18. PERSON SSN

19. PERSON GRADE

1398

NOV00186

DMS Observation/Disiplinary Report Form

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1299

NOV00187

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Facilities | Movement Orders | Detainees | Requests | Operations | Administration | Tools | SOP | Help



Detainee ISN

Search

GTMO

DETAINEE REPORT

D48EDF0F

1. TO COMMANDER or DESIGNATED REPRESENTATIVE
CDR, JDOG2. DATE
03FEB2004 2000L3. TYPE OF REPORT: (Check One)
REPORT OF DISCIPLINARY INFRACTION4. STATUS
REFER FOR DISCIPLINARY ACTION

5. DETAINEE'S NAME: (Last, First, MI)

6. ISN

7. DETAINEE LOCATION
GTMO8. INCIDENT
07-THROW/SPIT BODY FLUIDS ON /AT DETAINEE

9. REPORT

ON 3 FEBRUARY 2004 AT APPROXIMATELY 1615 HRS, ISN [REDACTED] WAS CROSS BLOCK TALKING WITH A DETAINEE IN [REDACTED] RECREATION AREA. AT APPROXIMATELY 1620 HRS, [REDACTED] THROUGH A CUP OF URINE ON ISN [REDACTED]. AS [REDACTED] WAS BEING RETURNED TO HIS CELL FROM THE RECREATION AREA, [REDACTED] THEN THROUGH 3 CUPS OF URINE/WATER/TOILET PAPER ON ISN [REDACTED]. AS [REDACTED] WAS BEING RETURNED TO HIS CELL FROM THE RECREATION AREA, AT THE SAME TIME, ISN [REDACTED] BEGAN SPITTING AND THROWING WATER ON ISN [REDACTED]. APPROXIMATELY 10 MINUTES LATER, ISN [REDACTED] BEGAN SPITTING AND THROWING URINE ON [REDACTED]. [REDACTED] THEN THREW WATER AND SPIT AT [REDACTED] AND [REDACTED] RETALIATED WITH THE SAME.

Incident No: NA. Reporting Unit: 384th MP Bn.

10. WITNESS

11. WAS DETAINEE INFORMED (Check One)
NO

12. ACTION TAKEN BY COMPOUND NCO:

13. ACTION(s) & RECOMMENDATION(s) OF GUARD COMMANDER:

14. RECOMMENDATIONS BY CHIEF, DETAINEE OPERATIONS BRANCH:

15. ACTION TAKEN BY SUPERINTENDENT:

16. ACTIONS

02-Segregation (Complete)
01-Loss of CI (Complete)

17. REPORTING PERSON

18. PERSON SSN

19. PERSON GRADE

1400

NOV00188

MP

DMS Observation/Disiplinary Report Form

OK

1461

NOV00189

[Facilities](#) | [Movement Orders](#) | [Detainees](#) | [Requests](#) | [Operations](#) | [Administration](#) | [Tools](#) | [SOP](#) | [Help](#)**Database IDN****Search****GTMO**

DF546E38

2. DATE
20 APR 2005 0441L

4. STATUS
REFER FOR DISCIPLINARY ACTION

3. DETAINEE'S NAME: (Last, First, MI)

7. DETAINEE LOCATION
07

8. INCIDENT
06-THROW/WATER/FOOD ON/AT DETAINEE

9. REPORT

About 2226, 19 APR 05, Detainee [REDACTED] located in cell [REDACTED] threw water and feces at Detainee [REDACTED] who was in cell [REDACTED]. Detainee [REDACTED] who was in cell [REDACTED] and Detainee [REDACTED] who was in cell [REDACTED]. The incident began when during the evening prayer [REDACTED] began singing while [REDACTED] and [REDACTED] were trying to pray. [REDACTED] began to throw the water and feces at [REDACTED] and [REDACTED]. After [REDACTED] began throwing the water and feces, [REDACTED] and [REDACTED] retaliated by throwing water back at [REDACTED]. The Block NCO and Guards had instructed [REDACTED] and [REDACTED] to stop throwing the water and feces, but they continued for an hour. The detainees would stop throwing water and feces when the block guards would approach and then continue after the Guards left the area.

Detainee is currently a

Last offense was 1 APR 05

Category III offense

Second Offense Category II offense (Failure to follow MP instructions)

Remain at

Loss of CI x 5 days, Segregation x 10 days

Loss of Cl x 5 days.

Total CI loss 10 days, Segregation 10 days

10. WITNESS

11 WAS DETAINEE INFORMED (Check One)
NO

12. ACTION TAKEN BY COMPOUND NCO:

13. ACTION(S) & RECOMMENDATION(S) OF GUARD COMMANDER:

14. RECOMMENDATIONS BY CHIEF, DETAINEE OPERATIONS BRANCH:

15. ACTION TAKEN BY SUPERINTENDENT:

10. ACTIONS

02-Segregation (Complete)

01-Loss Of CI (Complete)

17. REPORTING PERSON
PLATOON LEADER

DMS Observation/Disciplinary Report Form

18. PERSON SSN

19. PERSON GRADE

OK

1403

NOV00191

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Facilities | Movement Orders | Detainees | Requests | Operations | Administration | Tools | SOP | Help



Detainee ID#

Search

GTMO

DETAINEE REPORT

E5E4C75D

1. TO COMMANDER or DESIGNATED REPRESENTATIVE
CDR, JDOG2. DATE
19MAY2005 2058L3. TYPE OF REPORT: (Check One)
REPORT OF DISCIPLINARY INFRACTION4. STATUS
REFER FOR DISCIPLINARY ACTION

5. DETAINEE'S NAME: (Last, First, MI)

6. ID#

7. DETAINEE LOCATION

8. INCIDENT
06-FIGHTING

9. REPORT

On 19 May 2005, at 1655 while Detainee [REDACTED] (at the time) and Detainee [REDACTED] were in the recreation yard [REDACTED] attacked [REDACTED] and both exchanged punches. Both detainees continued fighting despite the MPs orders to stop. The fight stopped after about 5 minutes after both detainees became exhausted. Both detainees complied with the MPs orders and were returned to their cells. Med 8 was on scene conducting Med call on the tier and examined both detainees. Both detainees sustained no injuries.

Detainee is currently a [REDACTED]
Last offense was 29OCT04
Category IV offense
Move to [REDACTED]
Loss of CI for 5 days
Segregation for 10 days

10. WITNESS

11. WAS DETAINEE INFORMED (Check One)
NO

12. ACTION TAKEN BY COMPOUND NCO:

13. ACTION(s) & RECOMMENDATION(s) OF GUARD COMMANDER:
Recommended by CO: [REDACTED]

14. RECOMMENDATIONS BY CHIEF, DETAINEE OPERATIONS BRANCH:

15. ACTION TAKEN BY SUPERINTENDENT:

Approved: [REDACTED]

16. ACTIONS

01-Loss Of CI (Complete)
02-Segregation (Complete)
02-Segregation (Complete)

17. REPORTING PERSON

DMS Observation/Disciplinary Report Form

18. PERSON SSN

19. PERSON GRADE

OK:

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Search

GTMO

E6770587

2. DATE
19MAY2005 2038L

4. STATUS
REFER FOR DISCIPLINARY ACTION

~~2. ESTABLISHED 1942 - (lost, First MD)~~

E. 1994

2-DETAINEE LOCATION

9. REPORT

On 19 May 2005, at 1655 while Detainee [REDACTED] and Detainee [REDACTED] were in the recreation yard [REDACTED] attacked [REDACTED] and both exchanged punches. Both detainees continued fighting despite the MPs orders to stop. The fight stopped after about 5 minutes after both detainees became exhausted. Both detainees complied with the MPs orders and were returned to their cells. Med 8 was on scene at the time conducting Med call and examined both detainees. Both detainees sustained no injuries.

Detainee is currently a [REDACTED]
 Last Offense was on 1JAN05
 Category IV offense
 Move to [REDACTED]
 Loss of CI for 5 days
 Segregation for 10 days

Abstract

11 WAS DETAINEE INFORMED (Check One)
YES

DETROIT (AP) —

13. ACTION(S) & RECOMMENDATION(S) OF GUARD COMMANDER:
Recommended by CO

14. RECOMMENDATIONS BY CHIEF, DETAINEE OPERATIONS BRANCH:

15. ACTION TAKEN BY SUPERINTENDENT:
APPROVED: _____

10. ACTIONS

01-Loss Of CI (Complete)
02-Segregation (Complete)

01-Loss Of CI (Canceled)
02-Segregation (Complete)

17. REPORTING PERSON

0000 Observation/Disciplinary Report Form

18. PERSON SSN

19. PERSON GRADE

OK

1407

NOV00195

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Facilities | Movement Orders | Detainees | Requests | Operations | Administration | Tools | SOP | Help



Detainee ISN

Search

GTMO

DETAINEE REPORT

E67B9BFE

1. TO COMMANDER or DESIGNATED REPRESENTATIVE
CJDOG

2. DATE
13MAY2005 1258L

3. TYPE OF REPORT: (Check One)
REPORT OF DISCIPLINARY INFRACTION

4. STATUS
REFER FOR DISCIPLINARY ACTION

5. DETAINEE'S NAME: (Last, First, MI)

6. ISN

7. DETAINEE LOCATION

8. INCIDENT

07-THROW/SPIT BODY FLUIDS ON /AT DETAINEE

9. REPORT

Detainee [REDACTED] became upset when Detainee [REDACTED] was being placed in the Recreation yard together. Detainee [REDACTED] spit on detainee [REDACTED]

Detainee is currently [REDACTED]

Last offense was 7 January 2005

Category three offense

Move to [REDACTED]

Loss of CI x 5 days

Segregation x 5 days

10. WITNESS

11. WAS DETAINEE INFORMED (Check One)
YES

12. ACTION TAKEN BY COMPOUND NCO:

13. ACTION(s) & RECOMMENDATION(s) OF GUARD COMMANDER:
Recommended by [REDACTED]

14. RECOMMENDATIONS BY CHIEF, DETAINEE OPERATIONS BRANCH:

15. ACTION TAKEN BY SUPERINTENDENT:

Approved by [REDACTED]

16. ACTIONS

02-Segregation (Complete)

01-Loss Of CI (Complete)

17. REPORTING PERSON

18. PERSON ISN

19. PERSON GRADE

1408

NOV00196

DMS Observation/Disciplinary Report Form

OK

1409

NOV00197

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Search

GTMO

DETAINEE REPORT

E9064F8E

**1. TO COMMANDER or DESIGNATED REPRESENTATIVE
CDR, JDOG**

2. DATE
09JUN2004 2039L

3. TYPE OF REPORT: (Check One)
REPORT OF DISCIPLINARY INFRACTION

4. STATUS
REFER FOR DISCIPLINARY ACTION

5. DETAINEE'S NAME: (Last, First, MI)

L. J. BROWN

7. DETAINEE LOCATION
GTMO

B. INCIDENT
07-THROW/SPIT BODY FLUIDS ON /AT DETAINEE

9. REPORT
ON 9 JUNE 04, AT APPROX 1510 HRS, DETAINEE, CELL # [REDACTED] ISN # [REDACTED]
SPAT ON DETAINEE, CELL # [REDACTED] Incident No: NA. Reporting Unit:
491st MP Co.

10. WITNESS

11 WAS DETAINEE INFORMED (Check One)
NO

12. ACTION TAKEN BY COMPOUND NCO:

13. ACTION(S) & RECOMMENDATION(S) OF GUARD COMMANDER:

14. RECOMMENDATIONS BY CHIEF, DETAINEE OPERATIONS BRANCH:

15. ACTION TAKEN BY SUPERINTENDENT:

1410

16. ACTIONS

02-Segregation (Complete)

01-Loss of CI (Complete)

17. REPORTING PERSON

[REDACTED]

DMS Observation/Disciplinary Report Form

18. PERSON SSN

19. PERSON GRADE

OK

GTMO

EC0B562C

10. PERSON GRADE

DMS Observation/Disciplinary Report Form

OK

1413

NOV00201

Guantanamo Bay, Cuba User: a2user

Search

GTMO

010540F0

2. DATE
28JAN2004 1956L

4. STATUS
REFER FOR DISCIPLINARY ACTION

L. 100-68

7. DETAINEE LOCATION
GTMO

8. INCIDENT
10-AGGRAVATED BATTERY ON A DETAINEE

9. REPORT

AT APPROXIMATELY 0915 HOURS ON 28 JANUARY 2004, ISN# [REDACTED] DID COMMIT THE ACT OF AGGRIVATED BATTERY ON A DETAINEE. THIS IS A LEVEL 10 OFFENSE. THE SAID DETAINEE DID FIGHT WITH ANOTHER DETAINEE, ISN# [REDACTED] WHILE IN THE [REDACTED] COMPOUND RECREATION YARD AT [REDACTED]. BOTH DETAINEES ARE CURRENTLY UNDER MENTAL MONITORING BY [REDACTED] DUE TO PSYCHOLOGICAL ISSUES. [REDACTED] THE [REDACTED] NCOIC CONTACTED THE DOC TO SEND CORPMAN TO [REDACTED] TO TREAT ANY INJURIES SUSTAINED TO THE DETAINEES FIGHTING EACH OTHER. NO SERIOUS INJURIES WERE NOTED OR FOUND. ISN# [REDACTED] AND ISN# [REDACTED] WERE PLACED INTO ORANGE UNIFORMS AND RESTRAINED WITH THREE PIECE SUITS AND SENT TO [REDACTED] FOR MONITORING AND EVALUATION. BY [REDACTED] SOP, THIS INCIDENT IS AUTOMATIC GROUNDS FOR IMMEDIATE DISCIPLINARY REMOVAL FROM [REDACTED]. Incident No: 4
Reporting Unit: 384th MP Bn.

10. WITNESS

11 WAS DETAINEE INFORMED (Check One)
NO

12. ACTION TAKEN BY COMPOUND NCO:

13. ACTION(S) & RECOMMENDATION(S) OF GUARD COMMANDER:

14. RECOMMENDATIONS BY CHIEF, DETAINEE OPERATIONS BRANCH:-

15. ACTION TAKEN BY SUPERINTENDENT:

16. ACTIONS

02-Segregation (Complete)
01-Loss of CI (Complete)

4. REPORTING PERIOD

12. PERSON SSN

12. PERSON GRADE

1414

NCOIC
DMS Observation/Disciplinary Report Form

OK

1415

[Facilities](#) | [Movement Orders](#) | [Databases](#) | [Requests](#) | [Operations](#) | [Administration](#) | [Tools](#) | [SOP](#) | [Help](#)

Declaro ISBN

Search

GTMO

06BFE8B3

2. DATE
25OCT2004 1444L

4. STATUS
REFER FOR DISCIPLINARY ACTION

5. DETAINEE'S NAME: (Last, First, MI)

6. 1940

7. DETAINEE LOCATION
GTMO

8. INCIDENT
07-THROW/SPIT BODY FLUIDS ON /AT DETAINEE

B. REPORT
ON 25 OCT 04 AT 0855 DETAINEE ISN# [REDACTED] WAS BEING
PLACED IN THE LEFT RECREATION YARD WHEN HE BEGAN ARGUING WITH DETAINEE
ISN# [REDACTED] IN THE RIGHT RECREATION YARD. DETAINEE ISN# [REDACTED]
THEN SPAT ON DETAINEE ISN# [REDACTED] BECAUSE OF THE ARGUMENT. Incident No: NA.
Reporting Unit: JDOG.

10. WITNESS

11 WAS DETAINEE INFORMED (Check One)
NO

12. ACTION TAKEN BY COMPOUND NCO:

13. ACTION(S) & RECOMMENDATION(S) OF GUARD COMMANDER:

14. RECOMMENDATIONS BY CHIEF, DETAINEE OPERATIONS BRANCH:

15. ACTION TAKEN BY SUPERINTENDENT:

18. ACTIONS
02-Segregation (Pending)
01-Loss of CI (Complete)

17. SPOILING PERSON

10. PERSON SSN

19. PERSON GRADE

DMS Observation/Disiplinary Report Form

OK

1417

NOV00205

DETAINEE INFORMATION MANAGEMENT SYSTEM (DIMS)Guantanamo Bay, Cuba User: s2user ☒

Facilities | Movement Orders | Detainees | Requests | Operations | Administration | Tools | SOP | Help



Detainee IDN

Search

GTMO

DETAINEE REPORT

3DA2C892

1. TO COMMANDER or DESIGNATED REPRESENTATIVE

2. DATE

29MAY2005 1409L

3. TYPE OF REPORT: (Check One)

SIR

4. STATUS

MEMORANDUM FOR RECORD

5. DETAINEE'S NAME: (Last, First, MI)

6. IDN

7. DETAINEE LOCATION

8. INCIDENT

10-AGGRAVATED BATTERY ON A DETAINEE

9. REPORT

Summary of Incident. On 29 May 2005, at approximately 0925 hours, detainee [REDACTED] was assaulted by detainee [REDACTED] in the recreation yard of [REDACTED]. Detainee [REDACTED] incited the disturbance by ordering detainee [REDACTED] to attack detainee [REDACTED]. Detainee [REDACTED] was compliant during the entire attack and refused to fight back. Detainee [REDACTED] struck detainee [REDACTED] repeatedly during the attack and all by the direction of detainee [REDACTED] who was secured in the shower cell adjacent to the recreation yard. The CO arrived on scene and initiated IRF team. The CO attempted to persuade [REDACTED] to halt the attack. Detainee [REDACTED] did not comply. The CO was on scene for five minutes and began to fear for the health and safety of detainee [REDACTED]. At that time, the CO ordered detainee [REDACTED] to move to the rear of the recreation yard, which detainee [REDACTED] did not comply. The CO told the Block NCO to remove the lock to the recreation yard and waited for detainee [REDACTED] to move away so detainee [REDACTED] could be removed from danger. Detainee [REDACTED] backed away from the cell to get a running kick at detainee [REDACTED]. The CO opened the door and three guards pulled detainee [REDACTED] out of the recreation yard and placed him on the ground using minimum amount of force necessary cuffing detainee [REDACTED]. Detainee [REDACTED] returned to detainee [REDACTED] who was in the shower cell, saluted and asked the guards to be removed from the recreation yard and returned to his cell [REDACTED]. Medical examined detainee [REDACTED] who had no injuries. Detainee [REDACTED] was examined by medical and observed numerous lacerations and bruising to his head. Detainee [REDACTED] was transported to Delta clinic for further treatment which consisted of stitches and X-rays.

10. WITNESS

11. WAS DETAINEE INFORMED (Check One)

NO

12. ACTION TAKEN BY COMPOUND NCO:

13. ACTION(s) & RECOMMENDATION(s) OF GUARD COMMANDER:

14. RECOMMENDATIONS BY CHIEF, DETAINEE OPERATIONS BRANCH:

15. ACTION TAKEN BY SUPERINTENDENT:

16. ACTIONS

1418

NOV00206

17. REPORTING PERSON

DMS Observation/Disciplinary Report Form

18. PERSON BEN

19. PERSON GRADE

OK

1419

NOV00207

GTMO

19. PERSON GRADE

MP

OAS Observation/Disiplinary Report Form

OK

1421

NOV00209

DETAINEE INFORMATION MANAGEMENT SYSTEM (DIMS)Guantanamo Bay, Cuba User: s2user ☒

Facilities | Movement Orders | Detainees | Requests | Operations | Administration | Tools | SOP | Help



Detainee ISN

Search

GTMO

DETAINEE REPORT

46077DD3

1. TO COMMANDER or DESIGNATED REPRESENTATIVE
CDR, JDOG2. DATE
19SEP2004 1947L3. TYPE OF REPORT: (Check One)
REPORT OF DISCIPLINARY INFRACTION4. STATUS
REFER FOR DISCIPLINARY ACTION

5. DETAINEE'S NAME: (Last, First, MI)

A. ISN

7. DETAINEE LOCATION
GTMO8. INCIDENT
07-HITTING/KICKING AN DETAINEE

9. REPORT

ON 9-18-2004, DETAINEE ISN [REDACTED] WAS ACCUSED BY DETAINEE ISN [REDACTED] OF COMMUNICATING THREATS OF PHYSICAL HARM AGAINST HIM AS WELL AS DETAINEE ISN [REDACTED] WAS MOVED FROM [REDACTED] INTO [REDACTED] FOR THE NIGHT. ON 9-19-2004, ALL 3 DETAINEES WERE QUESTIONED ABOUT THIS INCIDENT BY THEIR INTERROGATOR, AND ALL 3 DENIED ANY THREATS OF PHYSICAL HARM, TO INCLUDE [REDACTED] ON 9-10-2004 AT APPROXIMATELY 1630HRS, [REDACTED] AND [REDACTED] WERE INVOLVED IN A PHYSICAL ALTERCATION. THE ALTERCATION WAS BROKEN UP USING VERBAL COMMUNICATION AS WELL AS ASSISTANCE OF DETAINEE ISN [REDACTED] BOTH DETAINEES WERE SEEN BY MEDICAL [REDACTED] HAD SLIGHT SWELLING TO THE RIGHT SIDE OF HIS HEAD, AND [REDACTED] HAD A SMALL BRUISE TO HIS LEFT HAND KNUCKLE AREA. [REDACTED] WAS SECURED IN [REDACTED] AND [REDACTED] WAS SECURED IN [REDACTED] NCOIC QUESTIONED BOTH DETAINEES AS WELL [REDACTED] BOTH DETAINEES STATED THAT THE OTHER STARTED THE PHYSICAL ALTERCATION, AND [REDACTED] COULD NOT BE SURE WHICH STARTED THE ALTERCATION. [REDACTED] STAFF DID NOT SEE THE ALTERCATION START, BUT DID OBSERVE BOTH DETAINEES THROWING PUNCHES. BASED UPON THE ALLEGED THREATS AS WELL AS THE MUTUAL PHYSICAL ALTERCATION, IT IS RECOMMENDED THAT BOTH DETAINEES [REDACTED] AND [REDACTED] BE REMOVED FROM [REDACTED] Incident No: NA. Reporting Unit: 491st MP Co.

10. WITNESS

11. WAS DETAINEE INFORMED (Check One)
NO

12. ACTION TAKEN BY COMPOUND NCO:

13. ACTION(s) & RECOMMENDATION(s) OF GUARD COMMANDER:

14. RECOMMENDATIONS BY CHIEF, DETAINEE OPERATIONS BRANCH:

15. ACTION TAKEN BY SUPERINTENDENT:

16. ACTIONS

1422

NOV00210

02-Segregation (Complete)
01-Loss of CI (Complete)

17. REPORTING PERSON

[REDACTED]

18. PERSON SSN

19. PERSON GRADE

DMS Observation/Disciplinary Report Form

OK

1423

~~SECRET~~



DEPARTMENT OF DEFENSE
JOINT TASK FORCE 170
GUANTANAMO BAY, CUBA
APO AE 09360

JTF-GTMO/SJA

24 May 2005

MEMORANDUM FOR Commanding General, BG Jay W. Hood, JTF GTMO,
Guantanamo Bay, Cuba

SUBJECT: Completed Detainee Allegation Inquiry Report ISN [REDACTED]
[REDACTED] (S)

1. (FOUO) On 10 Nov 04, before a CSRT, ISN [REDACTED] alleged that: 1) he had been beaten by fellow detainees, and 2) he had urine thrown on him.
2. (FOUO) In accordance with the JTF SOP for reviewing detainee abuse allegations, ISN [REDACTED]'s case was sent to the JTF-GTMO JDOG, JIG and JMG groups for investigation of the allegation. The following information was provided:
 - a. Allegation 1. No evidence was found to substantiate the claim.
 - b. Allegation 2. No evidence was found to substantiate the claim.

3. (S) Evaluations of Allegations. [REDACTED]

4. POC is the undersigned at.

[REDACTED]
Assistant Staff Judge Advocate

1424

NOV00212

~~SECRET~~
DETAINEE ALLEGATIONS INQUIRY REPORT

Detainee ISN: [REDACTED]

Date of this report: 20041114

SJA - Summary of Allegation:

On 10 Nov 04, during a Combatant Status Review Tribunal (CSRT) ISN [REDACTED] claimed that while detained at Guantanamo Bay, Cuba, he has been beaten by fellow detainees (NFI), and has had urine thrown on him.

JDOG Findings:

1. ☐ DIMS Records: Checked, Nothing found that would support this allegation
2. ☐ SIR/IR Records: None found
3. ☐ FCE/IRF Records: No incident history
4. ☐ Other (Specify): [REDACTED] dated 24 August 2004. ISN [REDACTED] and ISN [REDACTED] had an argument in the recreation yard, which lead to a physical altercation. Punches were thrown between the two detainees. No reports of Urine being thrown were found. [REDACTED]

Summary and Analysis:

JIG Findings:

1. ☐ Documents (Specify) ISN [REDACTED] 2Mar03
2. ☐ SIR/IR Records
3. ☐ JDIMS Records
4. ☐ Other (Specify)

Summary and Analysis: An FBI 302 dated 2 March 2003 mentions that the detainee claims he is verbally harassed by other detainees because he is a Shi'ite Muslim (see highlighted portion in yellow). No other documentation has been found regarding these allegations.

JMG Findings:

1. ☐ Medical Records
2. ☐ Other (Specify)

Summarized Medical History (If Applicable)

Summary and Analysis:

Record indicates altercation with another detainee on 8/24/02. Suffered sore upper lip, front teeth injured, right cheek injury and right flank injury. Also kicked in ribs. No other entries related to this event. [REDACTED]

SJA ATTORNEY WORK PRODUCT

1425

NOV00213



~~SECRET/NOFORN~~

Department of Defense
Designated Civilian Official
Office for the Administrative Review of the Detention
of Enemy Combatants,
U.S. Naval Base, Guantanamo Bay, Cuba
Office of the Secretary of the Navy
1000 Navy Pentagon, Washington, DC 20350-1000

11 November 2004

MEMORANDUM FOR RECORD

From: Special Agent [REDACTED] OARDEC Liaison Div
To: LTC [REDACTED] Staff Judge Advocate, JTF GTMO
SUBJECT: Receipt of Allegation

1. (S/NF) The purpose of this memorandum is to report an incident of possible prisoner/detainee abuse suffered by ISN [REDACTED]
2. (S/NF) On 10Nov04, LCDR [REDACTED] USN, [REDACTED] Office for the Administrative Review of the Detention of Enemy Combatants (OARDEC), apprised Reporting Agent that on 10Nov04, during a Combatant Status Review Tribunal (CSRT) relative to ISN [REDACTED] claimed that while detained at Guantanamo Bay, Cuba, he has been beaten by fellow detainees (NFI), and has had urine thrown on him.
3. (S/NF) In addition to this memorandum, a brief synopsis regarding the alleged abuse will also be documented within OARDEC's "Unclassified Summary of Basis for Tribunal Decision." Moreover, this report, and all associated documentation are available for review by request. Please direct all inquiries to Special Agent [REDACTED] Liaison Div, OARDEC-GTMO at DSN [REDACTED] or via email at [REDACTED]

[REDACTED]
Special Agent, NCIS

~~SECRET/NOFORN~~

1426

NOV00214



~~[SECRET/NOFORN]~~

Department of Defense
Designated Civilian Official
Office for the Administrative Review of the Detention
of Enemy Combatants,
U.S. Naval Base, Guantanamo Bay, Cuba
Office of the Secretary of the Navy
1000 Navy Pentagon, Washington, DC 20350-1000

09 November 2004

MEMORANDUM FOR RECORD

From: [Special Agent [REDACTED]] OARDEC Liaison Div
To: [ETC [REDACTED]] Staff Judge Advocate, JTF GTMO
SUBJECT: Receipt of Allegation

1. [(S/NF)] The purpose of this memorandum is to report an incident of possible prisoner/detainee abuse suffered by ISN [REDACTED].
2. [(S/NF)] On 09Nov04 [CDR [REDACTED]] Office for the Administrative Review of the Detention of Enemy Combatants (OARDEC), apprised Reporting Agent that during a Combatant Status Review Tribunal relative to ISN [REDACTED] [REDACTED] claimed detainees within the camp are threatening to kill him.
3. [(S/NF)] According to [CDR [REDACTED]] stated the reason he was moved from [REDACTED] to [REDACTED] was because he was being beaten by other detainees (NFI) who believed he was a spy. Moreover [REDACTED] reportedly added the threats have continued despite being moved to [REDACTED] and consequently, remains fearful because the threats are allegedly coming from high-ranking detainees (NFI).
4. [(S/NF)] For investigative purposes, this report, and all associated documentation can be reviewed by request. Please direct all inquiries to Special Agent [REDACTED] Liaison Div, OARDEC-GTMO at DSN [REDACTED] or via email at [REDACTED].

[REDACTED]
Special Agent, NCIS

~~[SECRET/NOFORN]~~

1427

NOV00215

SECRET



**DEPARTMENT OF DEFENSE
JOINT TASK FORCE 170
GUANTANAMO BAY, CUBA
APO AE 09360**

JTF-GTMO/SJA

24 May 2005

**MEMORANDUM FOR Commanding General, BG Jay W. Hood, JTF GTMO,
Guantanamo Bay, Cuba**

SUBJECT: Completed Detainee Allegation Inquiry Report ISN [REDACTED]

1. (FOUO) On 9 Nov 04, ISN [REDACTED] made allegations to his OARDEC PR that: 1) detainees within the camp were threatening to kill him; 2) detainees within the camp were beating him; and 3) threats continue from high-ranking detainees even though he has been moved to Camp 5.

2. (FOUO) In accordance with the JTF SOP for reviewing detainee abuse allegations, ISN [REDACTED] case was sent to the JTF-GTMO JDOG, JIG and JMG groups for investigation of the allegation. The following information was provided:

- a. Allegation 1. No evidence was found to substantiate the claim.
- b. Allegation 2. No evidence was found to substantiate the claim.
- c. Allegation 3. No evidence was found to substantiate the claim.

3. (S) Evaluations of Allegation [REDACTED]

4. POC is the undersigned at [REDACTED]

[REDACTED]
Assistant Staff Judge Advocate

1428

NOV00216

~~SECRET~~
DETAINEE ALLEGATIONS INQUIRY REPORT

Detainee ISN: [REDACTED]

Date of this report: 3DEC04

SJA - Summary of Allegation: During an OARDEC interview, ISN [REDACTED] alleged that:

[REDACTED] (6) while on [REDACTED] he was shared by 6 or 7 other detainees.

JDOG Findings:

1. ☐ DIMS Records: No records found that support allegations
2. ☐ SIR/IR Records: None
3. ☐ FCE/IRF Records: [REDACTED]
4. ☐ Other (Specify): [REDACTED]

Summary and Analysis: There are no records found of any altercation on [REDACTED] between this detainee and any other detainees. [REDACTED]

JIG Findings:

1. ☐ none Documents (Specify)
2. ☐ none SIR/IR Records
3. ☐ none JDIMS Records
4. ☐ none Other (Specify)

Summary and Analysis: There are no records found mentioning these allegations.

----- [Permitted: Bullets and Numbering]

JMG Findings:

1. ☒ Medical Records
2. ☐ Other (Specify)

SJA ATTORNEY WORK PRODUCT

1429

NOV00217

SECRET
DETAINEE ALLEGATIONS INQUIRY REPORT

Detainee ISN: [REDACTED]

Date of this report: 3DEC04

Summarized Medical History (If Applicable)

[REDACTED]

Summary and Analysis: Recommend no further action be taken on these allegations. [REDACTED]

SIA ATTORNEY WORK PRODUCT

1430

NOV00218